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1 & 2 <i>Victoria. Cap. 29.</i> An Act to supply an Omission in an Act passed in the present Session of Parliament, intituled, 'An Act to amend the Law for providing fit Houses for the Beneficed Clergy' - - - -	xcvi
1 & 2 <i>Victoria. Cap. 106.</i> An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy -	xcvii
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PRACTICAL FORMS

AND

INSTRUCTIONS.

INSTRUCTIONS to Candidates for Deacon's Orders.

PERSONS desirous of being admitted as candidates for Deacon's Orders, are recommended to make a written application to the bishop*, three months before the time of ordination, stating their age, college, academical degree, and the usual place of their residence; together with the names of any persons of respectability, to whom they are best known; and to whom the bishop may apply, if he thinks fit, for further information concerning them.

The following six papers are to be sent by a candidate for Deacon's Orders, to the bishop in whose diocese the curacy which is to serve as a title is situate, three weeks before the day of ordination, or at such other time as the bishop shall appoint; and in due time he will be informed by the bishop's secretary when and where to attend for examination.

* As the practice may not be alike in every Diocese, application may be made by a candidate to the bishop's secretary for instructions.

If the papers are sent by the general post they must be inclosed in several packets, addressed to the bishop, each weighing less than one ounce.

College testimonial.

To be countersigned.

1. LETTERS testimonial from his college ; and in case the candidate shall have quitted college, he must also present letters testimonial for the period elapsed since he quitted college, in the following form, signed by three beneficed clergymen, and countersigned by the bishop of the diocese in which their benefices are respectively situate, if they are not beneficed in the diocese of the bishop to whom the candidate applies for ordination.

2. FORM of Letters Testimonial for Orders.

To the * Right Reverend ——, by divine permission
Lord Bishop of —— [*the bishop in whose diocese
the curacy conferring the title is situate*].

Testimonial, by three beneficed clergymen.

Whereas our beloved in Christ, A. B., bachelor of arts (*or other degree*), of —— college, in the university of ——, hath declared to us his intention of offering himself as a candidate for the sacred office of a deacon, and for that end hath requested of us letters testimonial of his good life and conversation ; we therefore, whose names are hereunto subscribed, do testify that the said A. B. hath been personally known to us for the space of † —— last past ; that we have had opportunities of observing his conduct ; that during the whole of that time we verily believe that he lived piously, soberly, and honestly ; nor have we at any time heard any thing

* It is to be observed that the proper address to an archbishop is, "To the Most Reverend ——, by divine Providence Lord Archbishop of ——" ; and the style "Grace" is to be used instead of "Lordship." The proper address to the Bishop of Durham is, "To the Right Reverend ——, by divine Providence ——."

† For three years, or such shorter period as may have elapsed since the date of the College Testimonial.

to the contrary thereof; nor hath he at any time, as far as we know or believe, held, written, or taught any thing contrary to the doctrine or discipline of the United Church of England and Ireland; and moreover we believe him, in our consciences, to be, as to his moral conduct, a person worthy to be admitted to the sacred order of deacons.

In witness whereof we have hereunto subscribed our names, this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

* C. D. rector of ——

E. F. vicar of ——

G. H. rector of ——

[See before, as to countersignature.]

3. FORM of notice or “Si quis,” and of the certificate of the same having been published in the church of the parish where the candidate usually resides, to be presented by the candidate if he shall have quitted college. Si quis, or notice to be published in church.

Notice is hereby given, that A. B., bachelor of arts (*or other degree*), of —— college, Oxford [*or Cambridge*], and now resident in this parish, intends to offer himself a candidate for the holy office of a deacon at the ensuing ordination of the Lord Bishop of —— †; and if any person knows any just cause or impediment for which he ought not to be admitted into holy orders, he is now to declare the same, or to signify the same forthwith to the Lord Bishop of ——

We do hereby certify, that the above notice was publicly read by the undersigned C. D., in the parish church Certificate of publication of notice.

* It is recommended that the party giving the title be not one of the subscribers.

† The bishop in whose diocese the curacy conferring the title is situate.

of, — in the county of —, during the time of divine service on Sunday the — day of — last, (*or instant*), and * no impediment was alleged.

Witness our hands this — day of —, in the year of our Lord one thousand eight hundred and —.

C. D. officiating minister.

E. F. churchwarden.

Divinity
lectures.

4. CERTIFICATE from the Divinity Professor in the university, that the candidate has duly attended his lectures.

Certificate
of baptism.

5. CERTIFICATE of the candidate's baptism, from the register book of the parish where he was baptised, duly signed by the officiating minister, to show that he has completed his age of twenty three years; and in case he shall have attained that age, but cannot produce a certificate of his baptism, then his father or mother, or other competent person, must make a declaration, before a justice of the peace, of the actual time of his birth: and here it may be necessary to remark, that by an act of the 44th Geo. III. ch. 43., intituled, "An Act to enforce the due observance of the canons and rubrick, respecting the ages of persons to be admitted into the sacred order of deacon and priest," it is enacted, that thenceforth no person shall be admitted a deacon before he shall have attained the age of three and twenty years complete; and that no person shall be admitted a priest before he shall have attained the age of four and twenty years complete: and that if a person shall be admitted a deacon before he shall have attained the age of twenty-three years complete, or a priest before he shall have

or proof by
affidavit.

* If any impediment be alleged, notice thereof should be given by the officiating minister to the bishop.

attained the age of twenty-four years complete, such admission shall be void in law; and the person so admitted shall be incapable of holding any ecclesiastical preferment.

6. THE form of a Nomination to serve as a Title for Orders,—if the Incumbent is non-resident. Title for orders.

To the Right Reverend——, Lord Bishop of——. Form of nomination, if incumbent is non-resident.

These are to certify your lordship, that I, C. D., rector [*or vicar, &c.*] of ——, in the county of ——, and your lordship's diocese of ——, do hereby nominate A. B. bachelor of arts, (*or other degree*), of —— college, in the university of ——, to perform the office of curate in my church of —— aforesaid; and do promise to allow him the yearly stipend of —— pounds, to be paid by equal quarterly payments [*as to amount of stipend, see title "Stipends payable to Curates"*], with the surplice fees, amounting on an average to —— pounds per annum (*if they are intended to be allowed*), and the use of the glebe-house, garden, and offices, which he is to occupy (*if that be the fact; if not, state the reason, and name where and what distance* from the church the curate purposes to reside*): and I do hereby state to your lordship, that the said A. B. does not intend to serve, as curate, any other parish, nor to officiate in any other church or chapel (*if such be the fact; otherwise state the real fact*); that the net annual value of my said benefice, estimated according to the act of parliament 1 & 2 Victoria, ch. 106. sects. 8 and 10., is —— pounds, and the population thereof, according to the latest returns of population made under the authority of parliament, is ——. That there is only one church belonging to my said benefice (*if there be another church or*

* See 76th sect. of 1 & 2 Victoria, ch. 106.

chapel, state the fact); and that I was admitted to the said benefice on the —— day of —— 18 —.* “ And I
 “ do hereby promise and engage with your lordship,
 “ and the said A. B., that I will continue to employ the
 “ said A. B. in the office of curate in my said church,
 “ until he shall be otherwise provided of some ecclesi-
 “ astical preferment, unless, for any fault by him com-
 “ mitted, he shall be lawfully removed from the same ;
 “ and I hereby solemnly declare that I do not fraudu-
 “ lently give this certificate to entitle the said A. B.
 “ to receive holy orders, but with a real intention to
 “ employ him in my said church, according to what is
 “ before expressed.”

Witness my hand, this —— day of ——, in the year
 of our Lord 18—.

[*Signature and address of*]

C. D.

Declaration [to be written at the foot of the Nomination].

Declara-
 tion, that
 the stipend
 will be *bonâ
 fide* paid by
 incumbent
 and re-
 ceived by
 candidate.

We the before-named C. D. and A. B. do declare to
 the said Lord Bishop of ——, as follows ; namely, I the
 said C. D. do declare that I *bonâ fide* intend to pay,
 and I the said A. B. do declare that I *bonâ fide* intend
 to receive the whole actual stipend mentioned in the
 foregoing nomination and statement, without any abate-
 ment in respect of rent or consideration for the use of
 the glebe-house, garden, and offices thereby agreed to be
 assigned, and without any other deduction or reservation
 whatsoever.

Witness our hands this —— day of ——, 18—.

[*Signatures of*]

C. D.

A. B.

* The concluding part of the nomination, within inverted commas,
 is not to be used, except in the nomination to serve as a title for
 Deacon's Orders.

6. (a) THE form of Nomination to serve as a Title for Orders, — if the Incumbent is resident.

The same form as No. 6., so far as “quarterly payments;” then proceed as follows: — And I do hereby state to your lordship, that the said A. B. intends to reside in the said parish, in a house [*describe its situation, so as clearly to identify it*], distant from my church — mile [*if A. B. does not intend to reside in the parish, then state at what place he intends to reside, and its distance from the said church*]; that the said A. B. does not intend to serve, as curate, any other parish, nor to officiate in any other church or chapel (*if such be the fact, otherwise state the real fact*); and I do hereby promise and engage with your lordship, and so on [*in the same form as No. 6. to the end*].

Form of nomination, if the incumbent is resident.

Witness my hand this — day of —, 18—.

[*Signature and address of*]

C. D.

The declaration, to be written at the foot of the nomination, is to be in the same form as No. 6., so far as the word “Statement,” after which proceed as follows: — “Without any deduction or reservation whatsoever.”

Declaration.

Witness our hands this — day of —, 18—.

[*Signatures of*]

C. D.

A. B.

Incumbents giving titles for orders and candidates are referred to the instructions herein-after given, under the head, “Stipends payable to Curates.”

It is proper to observe, that the following declaration is to be subscribed previous to ordination, in the bishop's presence, by all persons who are to be ordained.

Subscription to articles.

I, A. B., do willingly, and from my heart, subscribe to the thirty-nine articles of religion of the United Church of England and Ireland, and to the three articles in the thirty-sixth canon; and to all things therein contained.

N.B. — The following are the three articles referred to : —

The three articles in the 36th canon.

1. That the Queen's Majesty, under God, is the only supreme governor of this realm, and of all other her Highness's dominions and countries, as well as in all spiritual or ecclesiastical things or causes as temporal; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within her Majesty's said realms, dominions and countries.

2. That the book of common prayer, and of ordering of bishops, priests, and deacons, containeth in it nothing contrary to the word of God, and that it may lawfully so be used; and that he himself will use the form in the said book prescribed, in public prayer and administration of the sacraments, and none other.

3. That he alloweth the book of articles of religion, agreed upon by the archbishops and bishops of both provinces and the whole clergy, in the convocation holden at London, in the year of our Lord one thousand five hundred sixty and two; and that he acknowledgeth all and every the articles therein contained, being in number nine and thirty, besides the ratification, to be agreeable to the word of God.

Oaths to be taken by those who are to be ordained, at the time of Ordination.

THE OATH OF ALLEGIANCE.

I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to her Majesty Queen Victoria. So help me God.

Oaths to be taken at the time of ordination.

THE OATH OF SUPREMACY.

I, A. B., do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. So help me God.

The present Bishop of London, in his printed instructions to his own candidates for orders, recommends them to read with attention these subscriptions and oaths; to study with great care the ordination service; and also to peruse the canons of 1603, the spirit of which (and, as far as it is practicable, the letter of them), his lordship adds, the clergy are bound to observe in their conduct, as members of the Established Church.

Bishop of London's instructions.

*INSTRUCTIONS as to Priest's Orders.**

THE following papers are to be sent by a candidate for Priest's Orders to the bishop, three weeks before the day of ordination, or at such other time as the bishop shall appoint, and in due time he will be informed by the bishop's secretary when and where to attend for examination.

Where a candidate applies for Priest's Orders to the same bishop who ordained him deacon the papers 1 and 2. only are required.

Testimo-
nial.

1. LETTERS TESTIMONIAL of his sound doctrine, good life, and behaviour, for the time elapsed since he was ordained deacon, signed by three beneficed clergymen, and countersigned by the bishop of the diocese in which their benefices are respectively situate, if not beneficed in the diocese of the bishop to whom the candidate applies for ordination. [*See form of Testimonial, in Instructions as to Deacon's Orders, No. 2.*]

Si quis.

2. NOTICE or "Si quis," and certificate of the publication thereof. [*See form thereof, in the Instructions as to Deacon's Orders, No. 3.*]

In case the candidate was ordained deacon by the bishop of another diocese, he must produce not only the papers Nos. 1 and 2., but also the following papers, Nos. 3, 4, and 5.

Directions
to such as
were
ordained
deacons by
another
bishop.

As it is not common for a deacon to be ordained priest by any other than the bishop who admitted him to Deacon's Orders, a candidate applying to the bishop of another diocese must, in the first instance, state to him

* It is not usual to confer Priest's Orders till the candidate has been a deacon one whole year.

the particular circumstances which occasion the application, the curacy which he served, and for what period.

3. LETTERS of Deacon's Orders.

Letters of deacon's orders.

4. A certificate of his baptism. [*See directions as to the same, No. 5., in the Instructions for Deacon's Orders.*]

Certificate of baptism.

5. Nomination, if he be not already licensed. [*See forms, Nos. 6 and 6 (a), in the Instructions for Deacon's Orders.*]

Title.

The same subscriptions and oaths are to be made and taken by candidates for Priest's Orders as are mentioned in the instructions as to Deacon's Orders.

Candidates for Priest's Orders are requested, when they send their papers, to state their place of residence and post town.

The act of parliament, 59 Geo. 3. ch. 60., is set forth in the Appendix for the use and guidance of candidates for orders who are to officiate as clergymen in the Colonies or her Majesty's foreign possessions.

Ordination for the colonies.

INSTRUCTIONS for obtaining a Licence to a Stipendiary Curacy.

Where curate, not having been in orders two years, proposes to serve as curate in another diocese.

It is expected that a curate shall remain in the diocese of the bishop by whom he was ordained, for two years at the least; if he should desire to remove into another diocese before the expiration of such term, it is proper that he should apply to the bishop of that diocese, and also to the bishop who ordained him, for their sanction, stating the special circumstances which induce him to apply.

By the 81st section of 1 & 2 Victoria, ch. 106., it is enacted as follows: —

Statement of particulars necessary to be given, and declaration to be made, on application for a licence for a curate.

“ And be it enacted, That every bishop to whom any application shall be made for any licence for a curate to serve for any person not duly residing upon his benefice shall, before he shall grant such licence, require a statement of all the particulars by this act required to be stated by any person applying for a licence for non-residence; and in every case in which application shall be made to any bishop for a licence for any stipendiary curate to serve in any benefice, whether the incumbent be resident or non-resident, such bishop shall also require a declaration in writing to be made and subscribed by the incumbent and the curate, to the purport and effect that the one *bonâ fide* intends to pay, and the other *bonâ fide* intends to receive, the whole actual stipend mentioned in such statement, without any abatement in respect of rent or consideration for the use of the glebe-house, and without any other deduction or reservation whatever.”

By the 83d section of the same act, it is enacted as follows: —

Bishops shall appoint stipends to curates;

“ And be it enacted, That it shall be lawful for the bishop of the diocese, and he is hereby required, subject to the several provisions and restrictions in this act con-

tained, to appoint to every curate of a non-resident incumbent such stipend as is specified in this act; and every licence to be granted to a stipendiary curate, whether the incumbent of the benefice be resident or non-resident thereon, shall specify the amount of the stipend to be paid to the curate: and in case any difference shall arise between the incumbent of any benefice and his curate touching such stipend, or the payment thereof, or of the arrears thereof, the bishop, on complaint to him made, may and shall summarily hear and determine the same, without appeal; and in case of wilful neglect or refusal to pay such stipend, or the arrears thereof, he is hereby empowered to enforce payment of such stipend, or the arrears thereof, by monition, and by sequestration of the profits of such benefice."

and decide differences respecting them.

THE following papers are to be sent to the bishop by a curate applying to be licensed:—

1. A Nomination by the incumbent, in the following form; but if it is intended as a title for orders, see forms No. 6 and 6 (a), Deacon's Orders.

NOMINATION FORM A.

The following form of Nomination is intended to serve where the incumbent is non-resident.

To the Right Reverend——Lord Bishop of——.

I, G. H. of——, in the county of—— and your lordship's diocese of——, do hereby nominate E. F., bachelor of arts (*or other degree*), to perform the office of a curate in my church of—— aforesaid; and do promise to allow him the yearly stipend of——, to be paid by equal quarterly payments, [*as to amount of stipend, see title "Stipends payable to Curates,"*] with the surplice fees, amounting to—— pounds per annum

Form of nomination of a curate, where incumbent is non-resident,

(if they are intended to be allowed), and the use of the * glebe-house, garden, and offices which he is to occupy (if that be the fact; if not, state the reason, and name where and at what distance from the church the curate purposes to reside): and I do hereby state to your lordship, that the said E. F. does not serve any other parish, as incumbent or curate; and that he has not any cathedral preferment or benefice, and does not officiate in any other church or chapel — (if, however, the curate does serve another church as incumbent, or as curate, — or has any cathedral preferment, or a benefice, or officiates in any other church or chapel, — the same respectively must be correctly and particularly stated): that the net annual value of my said benefice, estimated according to the act 1 & 2 Victoria, ch. 106. sects. 8. and 10., is —, and the population thereof, according to the latest returns of population made under the authority of parliament, is —; that there is only one church belonging to my said benefice (if there be another church or chapel, state the fact); and that I was admitted to the said benefice on the — day of —, 18—.

Witness my hand, this — day of —, in the year of our Lord 18—.

[Signature and address of]

G. H.

Declaration A. [to be written at the foot of the *Nomination*].

Declara-
tion A.

WE the before-named G. H. and E. F. do declare to the said Lord Bishop of —, as follows; namely, I the said G. H. do declare, that I *bonâ fide* intend to pay, and I the said E. F. do declare that I *bonâ fide* intend to receive, the whole actual stipend mentioned in the

* A portion of glebe adjacent to houses, not exceeding four acres, may (by sec. 93.) be assigned to a curate residing in glebe house, at a rent to be fixed.

foregoing nomination and statement, without any abatement in respect of rent, or consideration for the use of the glebe-house, garden, and offices thereby agreed to be assigned, and without any other deduction or reservation whatsoever.

Witness our hands, this — day of —, one thousand eight hundred and —.

[Signatures of]

G. H. and E. F.

By the 76th section of 1 & 2 Victoria, ch. 106., it is enacted as follows :—

“ And be it enacted, That in every case where a curate is appointed to serve in any benefice upon which the incumbent either does not reside, or has not satisfied the bishop of his full purpose to reside during four months in the year, such curate shall be required by the bishop to reside within the parish or place in which such benefice is situate, or if no convenient residence can be procured within such parish or place, then within three statute miles of the church or chapel of the benefice in which he shall be licensed to serve — except in cases of necessity, to be approved of by the bishop, and specified in the licence ; and such place of residence shall also be specified in the licence.”

Curate to reside on benefices, under certain circumstances.

NOMINATION FORM B.

The following form of nomination is proposed, where the incumbent is resident : —

The same form as A., so far as “ quarterly payments” ; then proceed as follows :— And I do hereby state to your lordship, that the said E. F. intends to reside in the said parish, in a house (*describe its situation, so as clearly to identify it*) distant from my church — mile (*if E. F. does not intend to reside in the parish, then state at what place he intends to reside, and its distance from the said church*) ; and that the said E. F. does not serve any other

Form of nomination of a curate, where the incumbent is resident.

parish as incumbent or curate; and that he has not any cathedral preferment or benefice, and does not officiate in any other church or chapel — (*if, however, the curate does serve another parish, as incumbent or as curate, — or has any cathedral preferment or a benefice, or officiates in any other church or chapel, — the same respectively must be correctly and particularly stated*).

Witness my hand, this — day of —, in the year
of our Lord one thousand eight hundred and —.

[*Signature and address of*]

G. H.

*Declaration B. [to be written at the foot of the
Nomination.]*

Declara-
tion B.

The declaration to be signed by the incumbent and curate is to be in the same form as A., so far as the word “Statement;” after which, proceed as follows: —
“Without any deduction or reservation whatsoever.”

Witness our hands this — day of —, one thousand eight hundred and —.

[*Signatures of*]

G. H. and E. F.

Letters of
orders.

2. LETTERS of Orders, Deacon and Priest.

Testimo-
nial.

3. LETTERS Testimonial to be signed by three beneficed clergymen, in the following form: —

To the Right Reverend —, Lord Bishop of —.

We, whose names are here under written, testify and make known that A. B., clerk, bachelor of arts (*or other degree*), of — college, in the university of —, nominated to serve the cure of —, in the county of —, hath been personally known to us for the space of * three years last past; that we have had opportunities of

* If the clerk nominated shall have been ordained a less time than three years, the testimonial may be from the time of ordination.

observing his conduct ; that during the whole of that time we verily believe that he lived piously, soberly, and honestly, nor have we at any time heard anything to the contrary thereof ; nor hath he at any time, as far as we know or believe, held, written, or taught anything contrary to the doctrine or discipline of the United Church of England and Ireland ; and moreover we believe him in our consciences to be, as to his moral conduct, a person worthy to be licensed to the said curacy.

In witness whereof we have hereunto set our hands this — day of —, in the year of our Lord one thousand eight hundred and —.

* C. D. rector of —.

E. F. vicar of —.

G. H. rector of —.

To be countersigned, if all or either of the subscribers to the testimonial are not beneficed in the diocese of the bishop to whom it is addressed, by the bishop of the diocese wherein their benefices are respectively situate. Counter-
signature.

On receipt of these papers, the bishop, if he be satisfied with them, will either appoint the clergyman nominated to attend him, to be licensed, or issue a commission to some neighbouring incumbent. Licence.

Before the licence is granted the curate is to subscribe the thirty-nine articles, and the three articles in the 36th canon ; — to declare his conformity to the liturgy of the United Church of England and Ireland ; and to take the oaths of allegiance and supremacy, and of canonical obedience. — “ I, E. F. do swear that I will pay true and canonical obedience to the Lord Bishop of — in all things lawful and honest. So help me God.” Curate's
subscrip-
tions and
oaths.

* It is recommended that the clergyman nominating be not a subscriber to the testimonial.

The licence will be sent by the bishop to the registry-office, and from thence it will be forwarded to the churchwardens.

Declaration of conformity.

Within three months after he is licensed, the curate is to read in the church the declaration appointed by the Act of Uniformity, and also the certificate of his having subscribed it before the bishop.

No spiritual person to serve more than two benefices in one day.

By the 106th section of the Residence act, it is enacted, That no spiritual person shall serve more than two benefices in one day, unless in case of unforeseen and pressing emergency; in which case he shall forthwith report the circumstance to the bishop.

Notice to curate to quit cure.
Notice to quit house.
Curate to give notice of intention to give up cure.

Bishop may revoke licence.

The directions as to notices to be given for the curate to give up the cure are contained in the 95th section of the said act; and for his quitting the house of residence in the 96th section; and as to notice of the curate's intention to relinquish the cure, in the 97th section; and power is given to the bishop, by the 98th section, to revoke any licence to a curate (after having given him sufficient opportunity to show reason to the contrary), subject to an appeal to the archbishop of the province within one month after service of revocation.

Stipends payable to Curates.

The stipends to be paid to curates by non-resident incumbents must be in strict conformity with the directions of the act of parliament, 1 & 2 Victoria, ch. 106. Clergymen, who were incumbents of benefices before July 20th, 1813, cannot be compelled (see sect. 84.) to pay more than £75 per annum as a stipend to the curates of such benefices, but the bishop may add to that sum £15, in lieu of a house.

As to stipends payable to curates by incumbents instituted, &c. before 20th July 1813.

Non-resident incumbents admitted to benefices, after the above date, are to allow stipends according to the following scale, prescribed by the 85th section :—

Scale of stipends to curates by non-resident incumbents instituted, &c. after the 20th July, 1813.

The lowest stipend is	-	-	-	£80
If the population amount to 300, the stipend is to be	-	-	-	100
If the population amount to 500, the stipend is to be	-	-	-	120
If the population amount to 750, the stipend is to be	-	-	-	135
If the population amount to 1000, the stipend is to be	-	-	-	150

or the whole value of the benefice, if it does not exceed these sums respectively. Where the net yearly income of a benefice exceeds £400, the bishop may (by sect. 86.) assign a stipend of £100, notwithstanding the population may not amount to 300; and if with that income the population amounts to 500, he may add any sum not exceeding £50, to any of the stipends payable by the last-mentioned incumbent, where the curate resides within the benefice, and serves no other cure. Where the population exceeds 2000, the bishop may require the incumbent to nominate two curates, with stipends not exceeding together the highest rate of stipend allowed to one curate.

Larger stipends may be assigned in certain cases.

The bishop with concurrence of archbishop, may assign smaller stipends.

A less stipend may be assigned, if curate serves another parish.

Agreements to pay less stipends than expressed in licences to be void.

Curates to pay taxes and rates of residence house in certain cases; and in all other cases, bishop may order sums paid for the same by the curate to be paid by the incumbent

Incumbents, who have become incapable of performing their duties from age, sickness, or other unavoidable cause, (and to whom, from these or from any other special and peculiar circumstances, great hardship would arise, if they were required to pay the full stipend) may (by sect. 87.) be relieved by the bishop, with the consent of the archbishop of the province.

The bishop may (by sect. 89.) direct that the stipend to a curate licensed to serve two parishes or places shall be less for each by a sum not exceeding £30 per annum than the full stipend.

All agreements for payment of a less stipend than that assigned by the licence, are (by sect. 90.) declared to be void; and if less be paid, the remainder may be afterwards recovered by the curate, or his representatives. When a stipend, equal to the whole value of a benefice, is assigned to the curate, he is (by sect. 91.) to be liable to all charges and out-goings legally affecting the benefice; and (by sect. 94.) when such a stipend as last-mentioned is assigned, and the curate is directed to reside in the glebe-house, he is to be liable to the taxes, parochial rates, and assessments of the glebe-house and premises: but in every other case in which the curate shall so reside by such direction, the bishop may, if he shall think fit, order that the incumbent shall pay the curate all or any part of such sums as he may have been required to pay, and shall have paid, within one year, ending at Michaelmas-day next preceding the date of such order for any such taxes, parochial rates, or assessments as should become due at any time after the passing of the act.

For other particulars, as to Curate's Stipends and Allowances, &c., &c., see the act 1 & 2 Victoria, ch. 106., from sect. 75. to 102., both inclusive.

INSTRUCTIONS for obtaining a Licence to a Lectureship.

THE following papers are to be sent to the Bishop by the clergyman to be licensed : —

1. A CERTIFICATE of his having been duly elected to the office, or an appointment under the hand and seal of the person or persons having power to appoint ; on the face of which instrument it should be shown by whom and in what manner the office had been vacated. Certificate of election.

2. A CERTIFICATE signed by the incumbent of the church of his consent to the election or appointment. Certificate of incumbent's consent.

3. LETTERS of Orders, Deacon, and Priest. Letters of orders.

4. LETTERS Testimonial, by three beneficed clergymen. Testimonial.
 [See form No. 3., in *Instructions as to Licence to Stipendiary Curates*; adding, “ and moreover we believe “ him in our consciences to be, as to his moral conduct, “ a person worthy to be licensed to the said lectureship.”]

Before the licence is granted the same subscriptions, declarations, and oaths, are to be made and taken, as in the case of a licence to a stipendiary curacy, and the lecturer is to read the thirty-nine articles. Subscription and oaths.

Within three months after he is licensed, he is to read, in the church where he is appointed lecturer, the declaration appointed by the Act of Uniformity, and also the certificate of his having subscribed it before the Declaration of conformity and certificate to be read in church.

bishop; and by the act 13 & 14 Ch. II. ch. 4. sect. 19., it is (amongst other things) enacted, "That every person
" and persons who now is, or hereafter shall be licensed,
" assigned, and appointed or received as a lecturer
" to preach upon any day of the week in any church,
" chapel, or place of public worship within this realm
" of England, or places aforesaid, (*viz. the dominion of*
" *Wales and town of Berwick-upon-Tweed*) the first
" time he preacheth (*before his sermon*) shall openly,
" publicly, and solemnly read the common prayers and
" service in and by the said book appointed to be read
" for that time of the day; and then and there publicly
" and openly declare his assent unto, and approbation
" of the said book, and to the use of all the prayers,
" rites and ceremonies, forms and orders therein con-
" tained and prescribed, according to the form before ap-
" pointed in this act; and also shall, upon the first lecture-
" day of every month afterwards, so long as he continues
" lecturer or preacher there, at the place appointed for
" his said lecture or sermon, before his said lecture or ser-
" mon, openly, publicly, and solemnly, read the common
" prayers and service in and by the said book appointed
" to be read for that time of the day at which the said lec-
" ture or sermon is to be preached; and after such read-
" ing thereof, shall openly and publicly, before the con-
" gregation there assembled, declare his unfeigned assent
" and consent unto and approbation of the said book,
" and to the use of all the prayers, rites, and ceremonies,
" forms and orders therein contained and prescribed,
" according to the form aforesaid: and that all and
" every such person and persons who shall neglect or
" refuse to do the same shall from thenceforth be disa-
" bled to preach the said or any other lecture or sermon
" in the said or any other church, chapel, or place of
" public worship, until such time as he and they shall
" openly, publicly, and solemnly read the common

“ prayers and service appointed by the said book, and
 “ conform in all points to the things therein appointed
 “ and prescribed, according to the purport, true intent,
 “ and meaning of this act.”

Sect. 20. “ Provided always, That if the said sermon
 “ or lecture be to be preached or read in any cathedral
 “ or collegiate church or chapel, it shall be sufficient
 “ for the said lecturer openly, at the time aforesaid,
 “ to declare his assent and consent to all things con-
 “ tained in the said book, according to the form
 “ aforesaid.”

Sect. 21. “ And be it further enacted, by the autho-
 “ rity aforesaid, That if any person who is by this act
 “ disabled to preach any lecture or sermon shall, during
 “ the time that he shall continue and remain so disa-
 “ bled, preach any sermon or lecture, that then for
 “ every such offence the person and persons so offending
 “ shall suffer three months’ imprisonment in the com-
 “ mon gaol without bail or mainprize; and that any
 “ two justices of the peace of any county of this king-
 “ dom and places aforesaid, and the mayor or other
 “ chief magistrate of any city or town corporate within
 “ the same, upon certificate from the ordinary of the
 “ place made to him or them of the offence committed,
 “ shall and are hereby required to commit any person
 “ or persons so offending to the gaol of the same county,
 “ city, or town corporate accordingly.” (*Explained by*
15 Ch. II. ch. 6. sect. 7.)

Sect. 22. “ Provided always, and be it further enact-
 “ ed, by the authority aforesaid, That at all and every
 “ time and times when any sermon or lecture is to be
 “ preached, the common prayers and service in and by
 “ the said book appointed to be read for that time of
 “ the day, shall be openly, publicly, and solemnly read
 “ by some priest or deacon in the church, chapel, or
 “ place of public worship where the said sermon or

“ lecture is to be preached, before such sermon or lecture be preached; and that the lecturer then to preach shall be present at the reading thereof.”

Sect. 23. Provides, That the act is not to extend to university sermons or lectures to be preached or read in the university churches in the universities of this realm.

INSTRUCTIONS for obtaining a Licence to a Perpetual Curacy.

THE following papers are to be sent to the Bishop by the clergyman who is to be licensed: —

1. NOMINATION to the perpetual curacy, on the proper stamp, duly executed by the patron, [*or petition, if the person to be licensed be patron.*] Nomination.
2. LETTERS of Orders, Deacon, and Priest. Letters of orders.
3. LETTERS Testimonial [*See form No. 3. in Instructions as to Licences to Stipendiary Curates; adding, "and moreover we believe him in our consciences to be, as to his moral conduct, a person worthy to be admitted to a benefice."*] Testimonial.

If the clergyman nominated should be in possession of other preferment, it will be necessary for him, if he wishes to continue to hold a cathedral preferment or a benefice with the perpetual curacy, to look to the provisions of the act, 1 Vict. ch. 106., sect. 1. to sect. 14., before he is licensed: and he is referred to the following subjects, in this work, under the several heads, "Observations on Pluralities," — "Observations respecting the Avoidance of Cathedral Preferments and Benefices," — and the "Mode of proceeding to obtain a Dispensation."

The same subscriptions and declaration are to be made, and oaths taken, as in the case of a licence to a stipendiary curate; and also the oath against simony. Directions; if the person nominated is in possession of other preferment.

"I, A. B. do swear, that I have made no simoniacal payment, contract, or promise, directly or indirectly, by myself, or any other, to my knowledge or with my consent, to any person or persons whatsoever, for or concerning the procuring and obtaining the perpetual curacy of —, in the county of —, and diocese of

Subscriptions and oaths.

“ ———, nor will at any time hereafter perform or satisfy
 “ any such kind of payment, contract, or promise, made
 “ by any other, without my knowledge or consent. So
 “ help me God.”

FORMS TO BE OBSERVED AFTER LICENCE GRANTED.

Reading in. Within two months after he is licensed, he is to read both morning and evening prayers, and to declare his unfeigned assent and consent thereto, openly and publicly in church before the congregation, thus:—

“ I, A. B., do here declare my unfeigned assent and
 “ consent to all and every thing contained and pre-
 “ scribed in and by the book intituled, The Book of
 “ Common Prayer, and administration of the Sacraments,
 “ and other rites and ceremonies of the Church, ac-
 “ cording to the use of the United Church of England
 “ and Ireland, together with the Psalter or Psalms of
 “ David, pointed as they are to be sung or said in
 “ churches; and the form or manner of making, or-
 “ daining, and consecrating of bishops, priests, and
 “ deacons.”

And within the same time to read the thirty-nine articles in the church, in the time of common prayer, and to declare his unfeigned assent thereunto.

Within three months after he is licensed, he is to read in his church the declaration appointed by the Act of Uniformity, and also the certificate of his having subscribed it before the Bishop.

Certificate
 of reading
 in.

It is prudent to obtain from the churchwardens, or some other inhabitants of the parish, a certificate, that the new incumbent has complied with the above forms, which are required to be observed in the church; a printed form of which certificate, as set forth in the directions after institution and induction, is usually

supplied by the Bishop's secretary when the licence is granted.

Within six months after he is licensed, he is to take the oaths required by law in one of the courts of Westminster, or at the General Quarter Sessions of the county, city, or place where he resides.

Oaths after
licence.

INSTRUCTIONS for obtaining Institution or Collation to a Prebend, or to a Benefice.*

THE following papers are to be sent to the Bishop by the clergyman who is to be instituted or collated: —

Presentation.

1. PRESENTATION to the benefice or prebend, duly stamped, and executed by the patron, [*or petition, if the person to be instituted happens to be patron of the benefice.*]

(*No. 1. applies to Institutions only, not to Collations.*)

Letters of orders.

2. LETTERS of Orders, Deacon, and Priest.

Testimonial.

3. LETTERS Testimonial by three beneficed clergymen, in the following form: —

To the Right Reverend —, Lord Bishop of —.

We, whose names are hereunder written, testify and make known, that A. B., clerk, A. M., (*or other degree*), presented, (*or to be collated, as the case may be*) to the prebend, &c. &c., (*or to the rectory or vicarage, as the case may be*) of —, in the county of —, in your lordship's diocese, hath been personally known to us for the space of three years last past; that we have had opportunities of observing his conduct; that, during the whole of that time, we verily believe that he lived piously, soberly, and honestly; nor have we at any

* A prebendary after institution, in such cases where that form is required, (and where institution is not required, then after the grant of the Prebend is complete,) is recommended forthwith to apply to the clerk of the dean and chapter as to installation and reading in.

time heard anything to the contrary thereof; nor hath he at any time, as far as we know or believe, held, written, or taught anything contrary to the doctrine or discipline of the United Church of England and Ireland; and, moreover, we believe him in our consciences to be, as to his moral conduct, a person worthy to be admitted to the said prebend, or benefice (*as the case may be*).

In witness whereof we have hereunto set our hands, this — day of —, in the year of our Lord 18—.

C. D. rector of —.

E. F. vicar of —.

G. H. rector of —.

If all the subscribers are not beneficed in the diocese of the bishop to whom the testimonial is addressed, the countersignature of the bishop of the diocese wherein their benefices are respectively situate is required.

Counter-
signature.

The same subscriptions and declaration are to be made, and oaths taken, as by a clergyman on being licensed to a perpetual curacy.

Subscription
and
oaths.

If the clergyman presented, or to be collated, should be in possession of other preferment, it will be necessary for him, (if he wishes to continue to hold a cathedral preferment, or a benefice with the cathedral preferment, or benefice to which he has been presented, or is to be collated) to look to the provisions of the act 1 & 2 Victoria, ch. 106. sect. 1. to sect. 14., before he is instituted, or collated; and he is referred to the following subjects, in this work, under the several heads, "Observations on Pluralities;" "Observations respecting the Avoidance of Cathedral Preferments and Benefices;" and the "Mode of proceeding to obtain a Dispensation."

Directions,
if the
person
presented
or to be
collated
possesses
other pre-
ferment.

INSTRUCTIONS as to Induction.

Induction
mandate.

THE clergyman is to take the bishop's mandate of induction to the proper office, for the purpose of procuring the archdeacon's mandate, directed to all and singular rectors, vicars, &c., in order to obtain induction. But if the bishop's mandate is directed in general to all and singular rectors, vicars, &c., any clergyman in the diocese may induct by virtue of that mandate, without any application to the archdeacon's office.

The usual Form of Induction is this : —

Induction.

The person empowered to induct, taking the hand of the person to be inducted, lays it on the key of the church in the church-door, or on the ring of the door ; or if the church be ruined, it is done by laying his hand on the wall or the fence of the church-yard, and saying, " By virtue of this mandate, I induct you into " the real, actual, and corporal possession of the — " of —, with all its fruits, members, and appur- " tenances." He then puts the new incumbent into possession of the church ; who, when he has tolled the bell, comes forth, and the inductor indorses and signs a certificate of such induction on the mandate, attested by those who witnessed the same.

FORM of Certificate of Induction.

Certificate
of induc-
tion.

MEMORANDUM, That on the — day of —, 18 —, I, M. N., rector [vicar *or* curate, *as the case may be,*] of — in the county of — and diocese of —, by virtue of the within-written mandate, did induct the within-named A. B., clerk, into the real and actual pos-

session of the within-mentioned rectory [*or vicarage*] of
 —, with all the rights, members, and appurtenances
 thereof. Witness my hand,

M. N.

The said A. B. was so inducted
 in the presence of us,

O. P. } Churchwardens *or*
 Q. R. } Inhabitants

(*as the case may be.*)

INSTRUCTIONS as to Reading in.

A NEW incumbent of a benefice is to read, within *two months after actual possession, the morning and evening prayers*, and declare his unfeigned assent and consent thereto, publicly in the church before the congregation, in the form pointed out in the instructions as to licences to perpetual curates; and

To read
 morning
 and evening
 prayers.

To read the thirty-nine articles in the church, in the time of common prayer, and to declare his unfeigned assent thereunto within *two months after induction*; and

To read in his church, within *three months after institution or collation*, the declaration appointed by the Act of Uniformity, and also the certificate of his having subscribed it before the bishop.

The forms required, as above mentioned, constitute what is termed "Reading in," and are usually observed on the same Sunday.

It is prudent to obtain from the churchwardens, or some other inhabitants of the parish, a certificate that the new incumbent has complied with the above forms,

Certificate
 of reading
 in.

Form of
attestation
of reading
in.

which are required to be observed in the church; a printed form of which certificate, as here set forth, is usually supplied by the bishop's secretary at the time of institution or collation:—

MEMORANDUM, That on Sunday the —— day of ——, in the year of our Lord one thousand eight hundred and ——, A. B. rector [*or vicar*] of the rectory [*or vicarage*] of the parish church of ——, in the county of ——, and diocese of ——, did read, in his parish church of —— aforesaid, the articles of religion, commonly called The Thirty-nine Articles, agreed upon in convocation in the year of our Lord 1562, and did declare his unfeigned assent and consent thereto; also that he did publicly and openly, on the day and year aforesaid in the time of divine service, read a declaration in the following words; viz. “ I, A. B., do declare, that I will “ conform to the Liturgy of the United Church of Eng- “ land and Ireland, as it is now by law established,” together with a certificate under the hand of the right reverend——, by divine permission Lord Bishop of ——; of his having made and subscribed the same before him: And also, that the said A. B. did read, in his parish church aforesaid, publicly and solemnly, the morning and evening prayer, according to the form prescribed in and by the book intituled “ The Book of Common “ Prayer, and administration of the Sacraments, and “ other rites and ceremonies of the Church according “ to the use of the United Church of England and Ire- “ land; together with the Psalter or Psalms of David, “ pointed as they are to be sung or said in churches, “ and the form and manner of making, ordaining, and “ consecrating bishops, priests, and deacons:” And that, immediately after reading the evening service, the said A. B. did, openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to all things therein contained and prescribed, in

these words: viz. “ I, A. B., do declare my unfeigned
 “ assent and consent to all and every thing contained and
 “ prescribed in and by the book, intituled, The Book of
 “ Common Prayer, and administration of the Sacraments,
 “ and other rites and ceremonies of the Church, accord-
 “ ing to the use of the United Church of England and
 “ Ireland; together with the Psalter or Psalms of
 “ David, pointed as they are to be sung or said in
 “ churches, and the form and manner of making, or-
 “ daining, and consecrating bishops, priests, and dea-
 “ cons.” And these things we promise to testify upon
 our corporal oaths, if at any time we should be duly
 called thereto.

In witness whereof we have hereunto set our hands,
 the day and year first above written.

C. D. G. H.
 E. F. I. K.

Within six months after institution or collation, the
 new Incumbent or Prebendary is to take the oaths re-
 quired by law, in one of the courts of Westminster, or
 at the General Quarter Sessions of the county, city, or
 place where he resides.

Oaths to be
 taken.

First Fruits.

First fruits
to be paid
within
three
months.

First fruits are to be paid within three months after institution or collation, by attention to which considerable expense and trouble will be avoided. The Office adjoins the Bounty-Office, in Great Dean's-yard, Westminster.

Yearly Tenths.

Tenths
payable at
Christmas.

Tenths become due annually at Christmas, and are to be paid immediately afterwards; attention to which will save trouble and expense. The Office adjoins the Bounty-Office, in Great-Dean's Yard. Westminster.

By the act of Parliament, 1 Vict. ch. 20, intituled, "An Act for the Consolidation of the Offices of First Fruits, Tenths, and Queen Anne's Bounty," the collection of First Fruits and Tenths is transferred to the latter office.

Payment
of tenths
early in
each year
solicited.

The compiler of this work, being the treasurer of Queen Anne's Bounty, will, at Christmas 1838, undertake the collection of First Fruits and Tenths; and he respectfully solicits, as a great favor, that the clergy, liable to the payment of Tenths, will pay, or order their agents to pay them at the beginning of the next, and of every succeeding year, at the office, in Great Dean's-yard. The very great kindness which he has experienced from the clergy of all ranks during his long official intercourse with them, and which with sincere gratitude he acknowledges, assures him that his solicitation will not be disregarded.

INSTRUCTIONS for the proper Resignation of a Benefice, and to obtain a Sequestration on Avoidance.

A CLERGYMAN desirous to resign preferment must state the reasons which induce him to do so to the bishop, and, if the latter agrees to accept the resignation, the proper instrument is to be prepared by the bishop's secretary or other officer, to be executed by the incumbent in the presence of a notary public and credible witnesses; and if such resignation cannot conveniently be tendered by the incumbent, in person, to the bishop; proctors or substitutes may be named in the deed of resignation, for them, or one of them, in the name of the incumbent, to exhibit such resignation to the bishop; who, upon the same being exhibited by the incumbent or his proctor, will declare his acceptance thereof, and will order that intimation of the avoidance of the benefice (if not in the bishop's own gift) be given to the patron.

As to resignations.

The proper stamp for a resignation is the common deed stamp; and the attestation by the notary requires a 5s. stamp.

Stamp duty.

A resignation is not complete until accepted by the bishop; and therefore, until after such acceptance, the patron may not present a new clerk to the resigned living.

Acceptance of resignation.

The acts of parliament relating to engagements to resign, 7 & 8 G. 4. cap. 25., and 9 G. 4. cap. 94, are set forth in the Appendix.

Engagements to resign.

No patron may be a party to an engagement for the resignation to him of a benefice, or other spiritual office, who is not possessed of the patronage, as private property. [See 6 sect. 9. Geo. 4. ch. 94.]

Engagements to be with private patrons only.

If the engagement is proposed to be made for the resignation in favor of one of two nominees, each of

If two nominees

relationship to patron is indispensable.

Engagement to be made before presentation.

Deed to be deposited in registry within two months.

As to the illegality of engagements whether by verbal promise, &c.

Certain particulars to be stated in deeds of resignation made in pursuance of legal engagements.

them must be related by blood, or marriage, in the degrees specified (uncle, son, grandson, brother, nephew, or grand nephew) to the patron, or one of the patrons, of the preferment, &c., &c. In every case the engagement must be entered into previous to the presentation. [See 1st. and 2nd. sections 9 G. 4. ch. 94.]

Engagements to resign not effectual, unless one part of the deed be deposited in the proper registry within two months after the date thereof. [See 4th section.]

It is necessary to observe, that no engagement to resign, unless made in conformity with the last-mentioned act, can be entered into without rendering the parties to it liable to the severe penalties of the act 1. Eliz. ch. 6; which observation applies equally, whether such illegal engagement be by verbal promise, or by an instrument in writing.

Where a resignation is made, in pursuance of an engagement entered into under the provisions of the act 9 G. IV. ch. 94., the instrument of resignation is to contain certain statements, as directed by the 5th section of that act: "And be it further enacted, That every resignation to be made in pursuance of any such engagement as aforesaid shall refer to the engagement in pursuance of which it is made, and state the name of the person for whose benefit it is made; and that it shall not be lawful for the ordinary to refuse such resignation, unless upon good and sufficient cause to be shown for that purpose; and that such resignation shall not be valid or effectual except for the purpose of allowing the person for whose benefice it shall be so made to be presented, collated, nominated, or appointed, to the spiritual office thereby resigned; and shall be absolutely null and void, unless such person shall be presented, collated, nominated, or appointed as aforesaid, within six calendar months next after notice of such resignation shall have been given to the patron or patrons of such spiritual office."

As to a Sequestration, on a Benefice becoming Vacant.

It is the duty of the churchwardens, on a benefice becoming vacant, to obtain from the registry-office of the diocese a writ of sequestration, and to make (with the sanction of the bishop) due provision for the performance of the duty *during* the vacancy.

Sequestration on avoidance.

By the Act 1 & 2 Vict., ch. 106. sect. 100, it is enacted, as follows:—

“And be it enacted, That upon the avoidance of any benefice, by death, resignation, or otherwise, the sequestrator appointed by the bishop shall, out of the profits thereof which shall come to his hands, pay to the curate or curates appointed by such bishop to perform the ecclesiastical duties of such benefice during the vacancy thereof, such stipend or stipends as shall be ordered to be paid to him or them by such bishop, not exceeding the respective stipends allowed by this act, and in proportion only to the time of such vacancy.”

Stipend of curate of sequestered benefice to be paid by sequestrator.

And, by the sect. 101. it is provided, “That if the profits of such benefice, which shall have come to the hands of such sequestrator during the vacancy thereof, shall not be sufficient to pay such stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such curate by the succeeding incumbent of such benefice, out of the profits thereof.”

Proviso for payment by succeeding incumbent, where profits during sequestration insufficient.

OBSERVATIONS on Pluralities as well with respect to Cathedral Preferments as Benefices.

Perusal of the act recommended.

By a perusal of the several sections, from 1 to 14., and from 123 to 130., (all inclusive) of the act 1 & 2 Vict. ch. 106., clergymen, patrons of benefices, and others, will become acquainted with the law by which the holding of cathedral preferments and benefices in plurality will henceforth be regulated; and it is recommended to every incumbent of a benefice, or benefices, or of a cathedral preferment and a benefice (or of more than one of either) to whom an offer of any other preferment may be made, before he proceeds to take possession thereof, to peruse those sections with attention.

No reference in future to value in Queen's books, and no distinction as to void and voidable.

It is necessary also for clergymen to bear in mind, that, for the future, when any one takes a cathedral preferment or a benefice no reference is to be had, as heretofore, to the value in the Queen's books; and there will be no distinction as to void and voidable, with respect to any benefice held by the clergyman at the time he shall be admitted to any cathedral preferment, or to any other benefice.

Summary of the present law of pluralities.

The following summary of the provisions of the act by which pluralities are to be regulated for the future, both as regards cathedral preferments and benefices, will perhaps afford some assistance: —

Certain rights saved.

1. The rights of all incumbents to cathedral preferments and benefices held by them at the passing of the act, are (by sect. 12.) saved, unless they shall afterwards accept some other contrary to the provisions of the act; and any incumbent of a benefice, possessed by him before the passing of the act, may (by sect. 13.) take and hold therewith, by dispensation to be granted under the provisions of the act, a benefice, the advowson of, or the next presentation or nomination to which has been con-

veyed, granted, or devised to, or in trust for him by any deed or will made before the 23d day of December 1837; provided the said two benefices be such as might have been held together before the passing of the act by dispensation duly granted and confirmed.

2. A spiritual person is not prevented by the act from holding any benefice with any one cathedral preferment without a dispensation: but see the observations in this work, respecting the avoidance of cathedral preferments and benefices, with respect to a declaration to be made by the incumbent before he takes possession of a cathedral preferment or a benefice, in certain cases.

One cathedral preferment and one benefice may be held without dispensation.

3. No two benefices may be held together without a dispensation, to be granted (by sect. 6.) by the archbishop of Canterbury, under the seal of his office of Faculties. If the archbishop should refuse to grant such dispensation, the party to whom the same shall have been refused may make application for redress to the Queen in Council.

No two benefices may be held together, without a dispensation.

4. Two benefices may be held together, by dispensation, if they be within the following limit as to distance (sect. 3.) and yearly value, and population, (sect. 4.) that is to say, if they be within ten miles of each other; and if, at the time of admission to the second benefice, the yearly value of the two benefices jointly shall not exceed £1000; and if, at that time, the population of one being above 3000, the population of the other does not exceed 500. But if (sect. 5.) the bishop shall think it expedient that two benefices, within the distance of ten miles of each other, shall be held together, which under the provisions of the act, as to joint yearly value, and population, might not be held together, but one of which shall be below the yearly value of £150, and the population of which shall exceed 2000 persons, and shall state his reasons for the same, such two benefices may (with a dispensation) be held by the same incumbent; the bishop, however, may require the incumbent to reside on

Within what limit two benefices may be held together by dispensation.

the more populous benefice, subject to an appeal to the archbishop of the province.

As to an archdeacon.

5. An archdeacon may (by sect. 2.) hold with his archdeaconry two benefices, (under the limitations of the act with respect to distance, joint yearly value, and population) one of them being within the diocese of which his archdeaconry forms a part; or he may hold with his archdeaconry one cathedral preferment in any cathedral or collegiate church of the diocese of which his archdeaconry forms a part, and one benefice situate within such diocese.

Certain offices may be held with cathedral preferments.

6. Spiritual persons holding any cathedral preferment (with or without a benefice) may (by sect. 2.) hold therewith any office in the same church, the duties of which are statutely or accustomably performed by the spiritual persons holding such preferment.

Definition of the term "Cathedral Preferment."

7. The definition of the term 'Cathedral Preferment' for the purposes of the act, is as follows. [See sect. 124.] "The said term shall be construed to comprehend (unless it shall otherwise appear from the context) every deanery, archdeaconry, prebend, canonry, office of minor canon, priest-vicar, or vicar-choral, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurer-ship, subdeanery, chancellorship of the church, and other dignity and office, in any cathedral or collegiate church, and every mastership wardenship and fellowship in any collegiate church."

Definition of the term "Benefice."

8. "The definition of the term 'Benefice' for the purposes of this act, shall be [see sect. 124.] understood and taken to mean Benefice, with Cure of Souls, and no other (unless it shall otherwise appear from the context), and therein to comprehend all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging or reputed to belong, or annexed or reputed to be annexed, to any

church or chapel, any thing in any other act to the contrary notwithstanding."

9. "The distance between any two benefices for the purpose of the act (see sect. 129.) shall be computed from the church of the one to the church of the other by the nearest road or foot-path, or by an accustomed ferry; and if on one of the said benefices there be two or more churches, then the distance shall be computed from or to the nearest of such churches, (*as the case may be*); or if on one of such benefices there be no church, then in such manner as shall be directed by the bishop of the diocese in which the benefice proposed to be taken and held by any spiritual person, in addition to one already held by him, shall be locally situate."

Distance,
how to be
computed.

10. The population, according to the directions of the act, (see sect. 130.) "shall be taken from the latest returns of population made under any act of parliament for that purpose, at the time when the question shall arise, if such returns shall apply to the place respecting which the question shall be; but if such place shall only form part of a parish or district named in such returns, then such returns shall be taken to represent truly the population of the parish or district named therein, and from them the population of the place required shall be computed according to the best evidence of which the subject shall be capable."

Population,
how to be
taken.

11. The mode prescribed by the act (sects. 7 & 8.) for ascertaining the value of two benefices, proposed to be held together, is shown in this work, under the title, "The Mode of Proceeding to obtain a Dispensation, &c."

Ascertain-
ing
value of
benefices.

The next subject treated of, viz. "As to the Avoidance of Benefices," must be considered as part of this summary; and ought to be referred to in connection therewith.

Reference
to next
subject as
part of this
Summary.

*OBSERVATIONS respecting the Avoidance of *Cathedral Preferment and *Benefices, by the Incumbent thereof taking another Benefice or Cathedral Preferment, contrary to the Provisions of the Act 1 & 2 Vict. ch. 106.*

Admission, &c., to a cathedral preferment or a benefice, *contrary to the provisions of the act*, vacates any before held by the same person.

1st. IF any spiritual person, holding any cathedral preferment or benefice, shall (see sect. 11.) accept any other cathedral preferment or benefice, and be admitted, instituted, or licensed to the same, *contrary to the provisions of the said act*, (but observe, it is *not* contrary to such provisions to hold one cathedral preferment and one benefice together, without a dispensation, nor to hold two benefices, within certain limits, together, by dispensation,) every cathedral preferment or benefice so previously held by him shall be and become *ipso facto void*, as if he had died, or had resigned the same.

Declaration to be made by the incumbent of a benefice and a cathedral preferment, &c., before he takes another to hold with one of them.

2nd. If any spiritual person, holding any two or more benefices, shall accept any cathedral preferment, or any other benefice ;

or,

holding two or more cathedral preferments, shall accept any benefice ;

or,

holding any cathedral preferment or preferments, and benefice or benefices, shall accept another benefice, he shall, before he is instituted, licensed, or in any way admitted to the said cathedral preferment or benefice, in writing, under his hand, declare to the bishop or bishops within whose diocese or dioceses any of the cathedral preferments or benefices previously holden by him are

* See definition, sect. 124.

situate, which cathedral preferment and benefice, or which two benefices (such two benefices being tenable together, under the provisions of the act) he proposes to hold together; and he shall transmit a duplicate of such declaration to the registry of the diocese, to be there filed: and immediately upon his being instituted, licensed, or in any way admitted to the cathedral preferment or benefice, which he shall have accepted as aforesaid, such cathedral preferment or preferments, benefice or benefices as he previously held, and as he shall not, as aforesaid, have declared his intention to hold, or such benefice as shall not be tenable under the provisions of the act with such newly-accepted benefice, shall be and become *ipso facto void*, as if he had died, or had resigned the same.

For want of such declaration his admission &c. to a cathedral preferment, or a benefice, will render void all his former preferments.

3d. If such spiritual person shall in any case refuse, or wilfully omit to make such declaration, every cathedral preferment and benefice which he previously held shall be and become *ipso facto void*, as aforesaid.

As to refusal or wilful omission to make declaration.

A Declaration in either of the forms proposed in p. 44. (*to be varied according to each particular case*,) is to be transmitted by an incumbent, under the circumstances before stated, to the bishop of each diocese within which any cathedral preferment or benefice, held by such incumbent, may be situate, in case he intends to retain and hold one such cathedral preferment or benefice, with a cathedral preferment or benefice which he may be desirous to accept; the declaration is to be so transmitted before his collation, institution, or license to the last-mentioned cathedral preferment or benefice, and a duplicate thereof must be transmitted, at the same time, to the registry of the diocese of each bishop, to be there filed.

Directions concerning declaration.

Form of
declaration.

* To the Right Reverend —, Lord Bishop
of —.

I, C. H., canon residentiary of the cathedral church
of —, and vicar of —, in the county of —, and
diocese of —, being about to be collated, or instituted,
or licensed to, or to take by donation (*as the case may
be*) the — of R., in the county of —, and diocese
of —, do by this writing, under my hand, declare
to your lordship, that I propose to retain the said
canonry of —, and to hold the same, together with the
said — of R, to which I am about to be collated
instituted, or licensed, or which I am about to take by
donation (*as the case may be*).

Witness my hand, this — day of —, one thou-
sand eight hundred and —.

Signed in the presence }
of } [Signature.]

[One witness.]

In case C. H. should prefer to retain his vicarage,
the following form is proposed: —

Another
form of
declaration.

† To the Right Reverend —, Lord Bishop
of —.

I, C. H., canon residentiary of the cathedral church
of —, and vicar of —, in the county of —, and

* In this case one declaration is to be addressed to the bishop
of the diocese in which the cathedral church is, and transmitted to
him; and another, addressed to the bishop of the diocese in which
the vicarage is situate, is to be transmitted to him; and a duplicate
is to be sent to the registry of each diocese, presuming the cathedral
church and vicarage to be in different dioceses.

† The note as to the other form of declaration is applicable to
this also.

diocese of —, being about to be collated, instituted, or licensed to, or to take by donation (*as the case may be*) the — of S, in the county of —, and diocese of —, do by this writing, under my hand, declare to your lordship, that I propose to retain my said vicarage, and to hold the same, together with the said — of S, to which I am about to be collated, instituted, licensed, or which I am about to take by donation (*as the case may be.*)

Witness my hand, this — day of —, in the year of our Lord one thousand eight hundred and —.

Signed in the presence } [Signature.]
of }

As so much depends upon this declaration, an incumbent who intends to hold one of the cathedral preferments, or one of the benefices, already possessed by him, with another, which he is about to take, ought, for his own security, to be exceedingly particular in transmitting to each bishop concerned, and to the registry of each such bishop, the declaration, drawn up in due form, before he proceeds to take possession, — and indeed he ought to retain sufficient evidence of having duly transmitted the same, by obtaining an office copy of the declaration filed in the registry, and an official certificate of the day when it was received there.

As to retaining evidence of having made declaration.

No such declaration is required to be made by an incumbent having only one cathedral preferment and no benefice, or having only one benefice and no cathedral preferment, before taking another, although he may intend to retain his cathedral preferment and hold it with the benefice about to be taken by him, or to retain his benefice and hold it either with a cathedral preferment, or with another benefice about to be taken by him.

Where declaration is not necessary.

Before an incumbent of one benefice takes another

No two benefices

may be held together without a dispensation.

“ Benefice continuing so sequestrated one year, or being twice so sequestrated within two years, to become void.”

benefice, tenable with it under the provisions of the said act, he must, if he desires to hold, both obtain a dispensation from the archbishop of Canterbury.

It seems convenient to insert the 58th section of the said act, as it relates to the subject of avoidance.

“ And be it enacted, That if the benefice of any spiritual person shall continue for the space of one whole year under sequestration issued under the provisions of this act for disobedience to the bishop’s monition or order requiring such spiritual person to reside on his benefice, or if such spiritual person shall, under the provisions of this act, incur two such sequestrations in the space of two years, and shall not be relieved with respect to either of such sequestrations upon appeal, such benefice shall thereupon become void; and it shall be lawful for the patron of such benefice to make donation or to present or nominate to the same as if such spiritual person were dead, and the bishop, on such benefice so becoming void, shall give notice, in writing under his hand, to such patron; which notice shall either be delivered to such patron or left at his usual place of abode; or if such patron or place of abode shall be unknown, or shall be out of England, such notice shall be twice inserted in the *London Gazette*, and also twice in some newspaper printed and usually circulated in London, and in some other newspaper usually circulated in the neighbourhood of the place where such benefice is situate: and for the purposes of lapse, the avoidance of the benefice shall be reckoned from the day on which such notice shall have been delivered as aforesaid, or from the day on which six months shall have expired after the second publication of such notice in the *London Gazette*, (*as the case may be*); and every such notice in the *Gazette* and newspapers shall state that the patron, or the place of abode of the patron, is unknown, or that he is said to be out of England, (*as the case may be*); and that the benefice will lapse, at the furthest, after the

expiration of one year from the second publication thereof, as aforesaid; and upon any such avoidance it shall not be lawful for the patron to appoint by donation, or present or nominate to such benefice so avoided, the person by reason of whose non-residence the same was so avoided."

*THE Mode of proceeding to obtain a Dispensation to hold two Benefices.**

THE 6th, 7th, 8th, and 9th, are the sections of the act 1 and 2 Vict. ch. 106. which relate to the granting of dispensations, and prescribe the mode of ascertaining the value of the two benefices proposed to be held together.

The definition of the term "Benefice," according to sect. 124., the mode of computing distance, according to sect. 129., and also of taking the population, according to sect. 130., are severally set forth in this work, under the head, "Observations on Pluralities."

Certain papers to be sent to the bishop.

The following papers are to be transmitted to the bishop of the diocese in which the benefice about to be taken and held with another is situate, in order to obtain a dispensation: —

Presentation or nomination.

1. PRESENTATION or nomination to the second living, (*or petition, if the clergyman happens to be patron*;) if the benefice be a donative, a certificate by the patron to the archbishop of Canterbury, that *he intends* to grant the donative to the applicant for a dispensation, will be the proper document: the deed of donation should not be completed, so as to invest the applicant with the donative, till after the dispensation shall have been granted.

Letters of orders.

2. LETTERS of Orders, Deacon, and Priest.

Two testimonials, one to the archbishop of Canterbury, the other to the bishop.

3. Two letters testimonial, each signed by three beneficed clergymen, one addressed to the archbishop of Canterbury, and the other to the bishop of the diocese in which the second living is, in the following form: —

One, addressed,

* See page 39. of this work, "Observation No. 4.," as to the limit with respect to distance, yearly value, and population, within which two benefices may be held together by dispensation.

To the Most Reverend —, Lord Archbishop of Canterbury, Primate of all England and Metropolitan. Form of testimonial.

The other,

To the Right Reverend —, Lord Bishop of —.

We whose names are hereunder written, do hereby testify and make known that A. B. clerk, who is desirous to obtain a licence or dispensation to enable him to hold together the — of — in the county of — and diocese of — and the — of — in the same county and diocese, [*if that be the fact, if not state the fact,*] hath been personally known to us for the space of three years last past; that we have had opportunities of observing his conduct; that during the whole of that time we verily believe that he lived piously, soberly, and honestly; nor have we at any time heard any thing to the contrary thereof; nor hath he at any time, as far as we know or believe, held, written, or taught, any thing contrary to the doctrine and discipline of the united church of England and Ireland; and moreover we believe him in our consciences to be a fit person as to his moral conduct to hold together the said two benefices.

In witness whereof we have hereunto subscribed our names, this — day of —, in the year of our Lord 18—.

C. D. rector of —.

E. F. vicar of —.

G. H. rector of —.

The letters testimonial to the archbishop are to be countersigned by the bishop of the diocese, in which the benefices of the subscribers are respectively situate, as are also the letters testimonial to the bishop, if not signed by three beneficed clergymen of his own diocese. Counter-signature.

Statement of yearly value of the two benefices, their population, and their distance from each other.

4. A statement in writing, under the hand of the applicant for the dispensation, of the yearly income of each of the two benefices, and of the amount of the population of each, and of the distance between them, is to be made to the bishop of the diocese, if both benefices are in the same diocese, and to the bishop of each diocese if the benefices happen to be in different dioceses. The bishop to whom the statement is addressed is authorized to require it to be verified, and he is within one month after the receipt of it to transmit a certificate of value, population, and distance to the archbishop of Canterbury, with a copy of the statement.

FORM of statement as promulgated (according to the 7th sect. of the act) by the archbishop of Canterbury, the same having been, on the 7th day of September, 1838, approved by the Queen in council.

Form of statement.

To the Right Reverend —— Lord Bishop of ——.

I, A. B. clerk [*here insert description*] being desirous to obtain a licence or dispensation from his Grace the Lord Archbishop of Canterbury to enable me to hold together the [rectory, vicarage, or other benefice, as the case may be] of C. in the county of —— and diocese of —— and the [rectory, vicarage, or other benefice, as the case may be] of D. in the county of —— and diocese of —— do in pursuance of the act 1 & 2 Vict. cap. 106., make to your lordship the following statement in writing under my hand, wherein I have set forth, according to the best of my belief, the yearly income arising from each of the said benefices separately, on an average of the three years ending on the twenty-ninth day of September next before the date of this statement, and the sources from which such income is derived, and also the yearly amount on an average, of the same period of three years, of all taxes, rates, tenths, dues and other

permanent charges and outgoings, to which the same benefices are respectively subject, and also the amount of the population of each of the said benefices, computed according to the latest returns made under the authority of parliament, and also the distance between the said two benefices, computed according to the directions of the said act as follows, to wit —

FIRSTLY. That the average yearly income arising from the said ——— of C——— for the three years ending on the 29th day of September, now last past, derived from the several sources hereinafter specified, is as follows : —

[Here specify accurately and clearly, in separate items, the several sources of income of the ——— of C———, and the average yearly amount of each item, and add such average yearly amounts together.]

That the average yearly amount of taxes, rates, tenths, dues, and other *permanent* charges and outgoings

[The incumbent must be careful not to include any stipend or stipends to any stipendiary curate or curates, nor such taxes, or rates, in respect of the house of residence, or of the glebe-land belonging thereto as are usually paid by tenants or occupiers, nor monies expended in the repair or improvement of the house of residence, and buildings and fences belonging thereto.]

for the same three years, to which the said ——— of C——— was subject, according to the specification thereof hereinafter contained, is as follows : —

[Here specify accurately and clearly in separate items, as to the ——— of C——— the several taxes, rates, tenths, dues and other permanent charges and outgoings, [not including stipend, &c. as before directed], and the average yearly amount

of each item, and add such average yearly amounts together, and deduct the total average amount from the total sum of the average yearly income.]

That the amount of the population of the said — of C —, according to the latest returns of population made under the authority of parliament is —.

SECONDLY. That the average yearly income arising from the said — of D — [*the benefice which A. B. proposes to take and hold with the — of C.*] for the three years ending on the 29th day of September now last past, derived from the several sources hereinafter specified, is as follows: —

[Here specify accurately and clearly, in separate items, the several sources of income of the — of D —, and the average yearly amount of each item, and add such average yearly amounts together.]

That the average yearly amount of taxes, rates, tenths, dues and other *permanent* charges and outgoings [*not including any stipend or stipends, &c. as before directed*] for the same three years, to which the said — of D — was subject, according to the specification thereof hereinafter contained, is as follows: —

[Here specify accurately and clearly, in separate items, as to the — of D —, the several taxes, rates, tenths, dues and other permanent charges and outgoings [not including stipend, &c. as before directed] and the average yearly amount of each item, and add such average yearly amounts together, and deduct the total average amount from the total sum of the average yearly income.]

That the amount of the population of the said — of D —, according to the latest returns of population made under the authority of parliament, is —.

THIRDLY. That the distance between the said — of C — and the said — of D — from the church of one, to the church of the other, by the nearest road, footway or by an accustomed ferry, [*state which, as the case may be*], is less than ten statute miles, such distance being — statute miles, or thereabouts.

[Should the distance exceed nine statute miles, specify the excess in yards; or should there be any thing special in any case with respect to computing the distance, for instance, if there be two churches, or no church on one of the benefices, the directions contained in the 129th section of the before-mentioned act must be observed in that respect.]

Witness my hand, this — day of — one thousand eight hundred and —.

[Signature of A. B.]

Signed in the presence }
of - - - - }

It will be necessary for the clergyman applying for a dispensation to be extremely particular in ascertaining and stating the average income and outgoings, and amount of the population of the two benefices, and their distance from each other; and he is recommended to peruse carefully the several sections of the act relating thereto respectively, as it is essential that the plain and obvious directions there given should be, in every particular, observed with the greatest accuracy, —and he may also peruse the preceding subject treated of in this work as to “the avoidance of benefices.”

Accuracy in statements essential.

5. A special application must be made to the bishop of the diocese, if the population of one of the benefices proposed to be held by dispensation exceeds 3000 persons, and the other 500 persons, or if their joint yearly value exceeds 1000*l.*;— the act (sect. 5.) allows the holding

Directions in a particular case where the joint annual value above 1000*l.* &c.

of two benefices by dispensation which may not be within those limits, as to population and value, "but one of which shall be below the yearly value of 150*l.*, and the population of which shall exceed 2000 persons." In the special application to the bishop, the reason must be fully stated by the incumbent which induces him to solicit a dispensation to hold together the two benefices under such circumstances, because the act requires that the bishop shall state to the archbishop in writing, under his hand, the reason why such two benefices should be holden together.

Declaration to be sent to bishops of the several dioceses in which a clergyman holds preferment if he intends to retain one and hold it with one to which he is presented &c.

A declaration is to be sent by a clergyman if he holds several preferments (whether cathedral preferments or benefices, or one or more of each) to the bishop or bishops of the diocese or dioceses in which such several preferments held by him are situate, before he takes another, if it should be his intention to retain one of them; the form of such declaration is set forth in this work under the head, "Observations on the Avoidance of Cathedral Preferments and Benefices."

Certain papers to be sent to the archbishop of Canterbury.

The papers to be transmitted to the archbishop of Canterbury to obtain a dispensation are,

Testimonial.

1. A TESTIMONIAL, signed and countersigned in the form before set forth.

2. A CERTIFICATE under the hand of the bishop of the diocese in which the two benefices are situate [*if both are in the same diocese*] in the following form:—

Bishop's certificate of value, population and distance when

To the Most Reverend — Lord Archbishop of Canterbury.

I, — Lord Bishop of —, do hereby certify your Grace, that I consider that the amount of the yearly value and population of each of the two following bene-

fices, within my diocese, namely, the —— of C. in the county of ——, and of the —— of D. in the county of —— [or the same county, *if that be the fact*] and the distance of the said two benefices from each other, ought to be taken as follows, with respect to a licence or dispensation which the reverend A. B. is desirous to obtain from your Grace, to enable him to hold them together, that is to say, the amount of the yearly value of the said —— of C. at ——, and of the population thereof at ——, and the amount of the annual value of the said —— of D. at ——, and the population thereof at ——, and the distance of the said two benefices from each other at ——. And I further certify your Grace, that a true copy of the statement respecting such annual value, population, and distance, made to me by the said A. B., is hereunto annexed.

benefices
are in the
same
diocese.

Witness my hand this —— day of ——, in the year
of our Lord 18—.

[*Signature.*]

[*Annex a copy of the statement before referred to.*]

When the benefices proposed to be held by dispensation are in different dioceses, a separate certificate by each bishop is to be made to the Archbishop of Canterbury of the amount of the yearly value and population of the benefice in his own diocese, and of its distance from the other benefice.

To the Most Reverend ——, Lord Archbishop of
Canterbury.

I, —— Lord Bishop of ——, do hereby certify your Grace, that with respect to a licence or dispensation which the Reverend A. B. is desirous to obtain from your Grace to enable him to hold the two after-named benefices together, under the act of parliament 1 & 2 Vic-

Bishop's
certificate
when the
benefices
are in dif-
ferent
dioceses.

toria, ch. 106., I consider that the amount of the yearly value of the —— of C., in the county of ——, and in my diocese of ——, ought to be taken at ——, and the population thereof at ——, and the distance of the said benefice from the —— of D., in the county of —— and diocese of ——, at ——, the said value being estimated, and the said population and distance being respectively computed, as directed by the before-mentioned act. And I do further certify your Grace, that the annexed paper contains a true copy of the statement made to me by the said A. B. respecting the yearly value, the population, and the distance from each other of the said two benefices.

Witness my hand this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

[*Signature.*]

[*Annex a copy of the statement before referred to.*]

INSTRUCTIONS how to proceed to effect the Union of Benefices under the Provisions of the Act 1 & 2 Vict. ch. 106.

THE following is a copy of the 16th section : —

“ And be it enacted, That whenever it shall appear
 “ to the archbishop of the province with respect to his
 “ own diocese, and whenever it shall be represented to
 “ him by the bishop of any diocese, or by the bishops
 “ of any two dioceses, that two or more benefices, or
 “ that one or more benefice or benefices, and one or
 “ more spiritual sinecure rectory or rectories, vicarage
 “ or vicarages, in his or their diocese or dioceses, being
 “ either in the same parish or contiguous to each other,
 “ and of which the aggregate population shall not ex-
 “ ceed one thousand five hundred persons, and the ag-
 “ gregate yearly value shall not exceed five hundred
 “ pounds, may with advantage to the interests of reli-
 “ gion be united into one benefice, the said archbishop
 “ of the province shall inquire into the circumstances
 “ of the case; and if on such inquiry it shall appear
 “ to him that such union may be usefully made, and
 “ will not be of inconvenient extent, and that the pa-
 “ tron or patrons of the said benefices, sinecure rec-
 “ tory or rectories, vicarage or vicarages respectively, is
 “ or are consenting thereto, such consent being signified
 “ in writing under the hands of such patron or patrons,
 “ the said archbishop shall, six weeks before certifying
 “ such inquiry and consent to her majesty as herein-
 “ after directed, cause, with respect to his own diocese,
 “ a statement in writing of the facts, and in other cases
 “ a copy in writing of the aforesaid representation to
 “ be affixed on or near the principal outer door of the
 “ church, or in some public and conspicuous place in
 “ each of such benefices, sinecure rectories or vicarages,
 “ with notice to any person or persons interested, that

Union of
benefices.

“ he, she, or they may within such six weeks show
“ cause in writing under his, her, or their hand or hands
“ to the said archbishop against such union, and if no
“ sufficient cause be shown within such time, the said
“ archbishop shall certify the inquiry and consent afore-
“ said to her majesty in council; and thereupon it
“ shall be lawful for her majesty in council to make
“ and issue an order or orders for uniting such benefices,
“ sinecure rectory or rectories, vicarage or vicarages
“ into one benefice with cure of souls, for ecclesiastical
“ purposes only; and it shall be lawful for her majesty
“ in council to give directions for regulating the course
“ and succession in which the patrons, if there be
“ more than one patron, shall present or nominate to
“ such united benefice from time to time as the same
“ shall become vacant, and for determining, if such
“ united benefice shall be in two dioceses, to which of
“ such dioceses such benefice shall belong; and such
“ order or orders shall be registered in the registry or
“ registries of the diocese or respective dioceses to which
“ such united benefice shall be determined to belong,
“ and to which either or any of the united benefices,
“ sinecure rectories or vicarages shall have belonged
“ when separate, which order or orders the registrar or
“ registrars of such diocese or respective dioceses, im-
“ mediately on the receipt thereof, are hereby required
“ to register accordingly; and such order or orders shall
“ thenceforth be binding on all parties whatsoever; and
“ if at the time of the registration of such order or
“ orders, all the benefices, sinecure rectories or vicar-
“ ages ordered to be united shall not be holden by the
“ same incumbent, then if any of such benefices, sine-
“ cure rectories or vicarages shall at such time be va-
“ cant, and if not, then upon every avoidance until all
“ the said benefices, sinecure rectories or vicarages but
“ one shall come to be holden by the same incumbent,
“ the patron of the vacant benefice or benefices, sine-

“ cure rectory or rectories, vicarage or vicarages, shall
 “ be bound to present or nominate, and the bishop shall
 “ be bound to admit and institute or license to the vacant
 “ benefice or benefices, sinecure rectory or rectories,
 “ vicarage or vicarages, the incumbent of the other or
 “ one of the other benefices, sinecure rectory or recto-
 “ ries, vicarage or vicarages so ordered to be united; and
 “ if both or all, as the case may be, shall be holden by
 “ the same incumbent at the time of the registration of
 “ such order or orders, or all but one of the said bene-
 “ fices, sinecure rectories or vicarages shall at such time
 “ be vacant, then immediately, or otherwise on the first
 “ avoidance of either or any of such benefices, sinecure
 “ rectories or vicarages, after all but one shall have
 “ come to be holden by the same incumbent, the said
 “ benefices, sinecure rectory or rectories, vicarage or
 “ vicarages shall become permanently united together,
 “ and shall be and be deemed and taken to be one be-
 “ nefice with cure of souls, to all intents and purposes,
 “ unless and until the same shall be afterwards dis-
 “ united in the manner hereinafter enacted: Provided
 “ always, that notwithstanding any such union the
 “ parishes or places of which such united benefice shall
 “ consist shall continue distinct as to all secular rates,
 “ taxes, charges, duties, and privileges, and in all other
 “ respects except as hereinbefore specified.” *

And by the 20th section of the same act it is provided
 and enacted, that from and after the passing of the act,
 it shall not be lawful to unite two or more benefices
 into one benefice, in any other manner or form, or under
 any other circumstances than is therein-before provided.

No union
 except un-
 der the act.

And by the 27th section the Queen in council may,
 after union made, make a supplemental order for re-
 moving doubts and settling disputes in consequence of
 changes occasioned by the union.

Power of
 adjusting
 disputes
 arising out
 of unions,
 &c.

* See also sections 17, 18, and 19.

Papers to be sent to the archbishop as to unions.

THE papers to be sent to the archbishop of the province are:—

Patron's consent.

1. THE consent in writing under the hand of the patron* of each of the benefices to be united, if they be not both in the patronage of the same person. If more than two benefices are proposed to be united, the form is to be altered accordingly.

Form of patron's consent if benefices are not in the patronage of the same person.

To the Most Reverend —, Lord Archbishop of Canterbury.

I, — of —, in the county of —, esquire, [*or other proper designation*] being the patron or person entitled to collate, present, or nominate [*as the case may be*] to the — of C., in the county of —, and diocese of — in your Grace's province, if the same were now vacant, do by this writing under my hand, signify to your Grace my consent to the union of the said — of C., with the — of D., in the county of —, and diocese of — [*or, in the same county and diocese, if such be the fact*] into one benefice with cure of souls, for ecclesiastical purposes only, for the following reasons; namely, that the said two benefices are contiguous to each other; that the aggregate population of them, according to the latest returns of population made under the authority of Parliament, does not exceed 1500; and that the aggregate yearly value of them, estimated according to the directions of the act 1 & 2 Victoria, ch. 106. sects. 8. and 10., does not exceed 500*l.*; that such union will not, in my opinion, be of inconvenient extent; and that, to the best of my belief, it will be for the advantage of the interests of religion; and I also hereby signify my consent, that

* As to patrons—see sections 125. to 128. both inclusive.

the course and succession in which the respective patrons shall collate, present, or nominate [*as the case may be*] to the said benefices, after the same shall be united into one benefice, from time to time, as the same shall become vacant, be directed by an order to be made by the Queen in council [*or state conditions, if any*].

Witness my hand this — day of —, in the year of our Lord one thousand eight hundred and —.

[*Signature.*]

Signed in the presence }
of - - - }

THE consent in writing of the patron*, if the benefices to be united are in the patronage of the same person : —

If more than two benefices are to be united, this form to be altered accordingly : —

To the Most Reverend —, Lord Archbishop of —.

Form of consent if the same person be patron of both benefices.

I, — of —, in the county of —, esquire, [*or other proper designation*] being the patron or person entitled to collate, present, or nominate to the — of C., in the county of — and diocese of —, and also to the — of D., in the county of — and diocese of —, [*or, in the same county and diocese, if such be the fact*], if the same respectively were now vacant, do, by this writing under my hand signify to your Grace my consent to the union of the said two benefices into one benefice with cure of souls, for ecclesiastical purposes only, by virtue of the act of parliament 1 & 2 Victoria, ch. 106., for the following reasons; namely, that

* As to patrons—see sections 125. to 128. both inclusive.

the said two benefices are contiguous to each other; that the aggregate population of them, according to the latest returns of population made under the authority of Parliament, does not exceed 1500; that the aggregate yearly value of them, (estimated according to the directions of the said act, sections 8. and 10.) does not exceed 500*l.*; that such union will not, in my opinion, be of inconvenient extent, and that, to the best of my belief, it will be for the advantage of the interests of religion.

Witness my hand this — day of —, in the year of our Lord one thousand eight hundred and —.

[Signature.]

Signed in the presence }
of - - - }

Bishop's
represent-
ation to
the arch-
bishop.

2. REPRESENTATION to the archbishop of the province by the bishop, as to benefices in his diocese which are proposed to be united: —

If the benefices are in different dioceses, the bishop of each diocese is to make a representation in the same form, *mutatis mutandis*.

Form of
the bishop's
represent-
ation.

To the Most Reverend —, Lord Archbishop
of —.

I, —, Lord Bishop of —, do hereby represent to your Grace, that the — of C., in the county of —, and my diocese of —, and the — of D., in the county of —, and my said diocese, [*or, in the same county and diocese, if such be the fact*] being contiguous to each other, and of which the aggregate population does not exceed 1500 persons, and the aggregate yearly value does not exceed 500*l.*, may with advantage to the interests of religion be united into one benefice.

Given under my hand this —— day of ——, in
year of our Lord one thousand eight hundred
and ——.

[*Signature.*]

Signed in the presence }
of - - - }

On receipt of the representation by the archbishop, inquiry will be made by him into the circumstances of the case; and if it shall appear to him that the union may be usefully made, he will give notice as follows:—

Inquiry by
the arch-
bishop.

FORM of the notice by the Archbishop to be affixed on or near the principal outer door of the church, or in some public and conspicuous place in each of the benefices proposed to be united— [*to be written at the foot of a copy of the bishop's representation*].

Form of
notice of
intended
union of
benefices.

Notice is hereby given by me —— Lord Archbishop of the Province of —— to any person or persons interested in the union into one benefice, for ecclesiastical purposes only, of the —— of C—— in the county of —— and diocese of —— and the —— of D—— in the county of ——, and diocese of —— [*or, in the same county and diocese*], particularly mentioned in the representation relating to such union, of which a copy is above written, that he, she, or they may, within six weeks from the day of affixing this notice on this door [*or place*], show cause in writing under his, her, or their hand or hands, to me the said —— Archbishop of the province of —— against such union.

Dated this —— day of ——, in the year of our
Lord one thousand eight hundred and ——.

[*Archbishop's signature.*]

Signed in the presence }
of - - - }

Directions
as to
affixing the
notice.

The notice should be affixed on the proper door [*or place*] by a careful person, — who should write at the foot of the notice, “This notice was here affixed on the — day of — 18—;” and he should keep an exact copy of the notice, with a memorandum of the time of affixing it; and transmit the original notice at the end of six weeks from the time of affixing it to the archbishop, with a certificate thereon, signed by him, that it had remained affixed for the said period of six weeks.

Arch-
bishop's
certificate
and order
of council

As to the certificate to be made to her Majesty in council by the archbishop of the province, and the order to be made in pursuance of such certificate, and the registration of the order, it appears only necessary to refer to the words of the section before set forth.

Reference
to 17th
section.

It does not appear to be necessary to notice the provisions contained in the 17th section, but merely to refer to that section.

INSTRUCTIONS how to proceed to effect the Disunion of Benefices under the Provisions of the Act 1 & 2 Victoria, ch. 106.

THE following is a copy of the 21st section of the act: —

“ And whereas from the increase of population, or from other circumstances, it may be expedient that two or more benefices which have been heretofore united, or which may be hereafter united under the provisions of this act, should be disunited; Be it enacted, that when two or more benefices shall have been united or may be hereafter united into one benefice, and with respect to his own diocese it shall appear to the archbishop of the province or the bishop of any diocese shall represent to the said archbishop of the province that one or more of the benefices within his diocese, of which such united benefice shall consist, may be separated therefrom with advantage to the interests of religion, the said archbishop shall inquire into the circumstances of the case; and if on such inquiry it shall appear to him that such union may be usefully dissolved, so far as respects such benefice or benefices, he shall, six weeks at least before certifying such inquiry to her Majesty as hereinafter directed, cause with respect to his own diocese a statement in writing of the facts, and in all other cases a copy in writing of the aforesaid representation to be affixed on or near the principal outer door of the church, or in some public and conspicuous place in each of the benefices forming part of the united benefice, with notice to any person or persons interested that he, she, or they may, within such six weeks show cause in writing under his, her, or their hands, to the said archbishop against any such disunion; and if no sufficient cause be shown within

Disunion of benefices.

Provisions for partly disuniting united benefices.

such time, the archbishop shall certify the inquiry and consent, when the patron's consent is necessary, to her Majesty in council; and thereupon it shall be lawful for her Majesty to issue an order for separating such last-mentioned benefice or benefices from such united benefice, and for declaring the rights of patronage of the several patrons, if there be more than one patron, and such order shall be registered in the registry of the diocese, to which such united benefice shall belong, which order the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly; and thereupon immediately, if such united benefice shall be then vacant, otherwise on the first avoidance thereof, such union shall be *ipso facto* dissolved, so far only as regards such benefice or benefices so proposed to be separated from such united benefice, but in all other respects shall remain in full force and effect, and thenceforward such last-mentioned benefice or benefices shall be and be deemed and taken to be a separate and distinct benefice or benefices to all intents and purposes whatever, as if no such union had taken place; and the patron or patrons thereof shall and may, according to the terms of such order, present or nominate thereto respectively, and so from time to time upon each and every avoidance of the same: Provided always, that no benefices which have been united for more than sixty years before the passing of this act, shall be disunited, without the consent in writing of the patron or patrons thereof."

Order may be made for settling disputes caused by the disunion.

Papers to be sent to the archbishop.

And, by the 27th sect. of the said act, the queen in council may, after disunion, make a supplemental order for removing doubts and settling disputes in consequence of alterations occasioned by the disunion.

The papers to be sent to the archbishop of the province in order to carry into effect any such disunion are,

1. THE consent in writing, if the benefices have been united more than sixty years before the 14th day of August, 1838, under the hands of the patron* or patrons of the united benefice; if the union shall have been made within the period of sixty years before that date, the patron's consent is not required.

Patron's consent to disunion.

If the union consisted of more than two benefices the form is to be altered accordingly.

To the Most Reverend — Lord Archbishop of the province of —.

I, A. B. of — in the county of — esquire [*or other proper designation*], being the patron or person entitled to collate, present or nominate [*as the case may be*] to the united — of — in the county of — and diocese of — in your Grace's province, if the same were now vacant, do by this writing, under my hand, signify to your Grace my consent that the — of — shall be separated from the — of —, and that the union of the said two benefices shall be dissolved; as I believe that it is expedient, and will tend to the advantage of the interests of religion that such separation and disunion should take place. Witness my hand this — day of — in the year of our Lord one thousand eight hundred and —.

Form of consent of patron to disunion.

[Signature.]

Signed in the presence }
of - - - }

2. REPRESENTATION to the archbishop of the province by the bishop, as to the disunion of benefices in his diocese, which may have been united.

Representation by the bishop to the archbishop as to disunion.

If the benefices were, before the union, in different dioceses, the bishop of each diocese is to make a representation in the same form, *mutatis mutandis*.

* As to patrons — see sections 125. to 128. both inclusive.

To the Most Reverend —— Lord Archbishop
of the province of ——.

I, —— Lord Bishop of ——, do hereby represent to your
Grace, that it appears to me that the disunion of the
united —— of —— in the county of —— and my dio-
cese of —— by the separation of the said —— of ——
from the said —— of —— may be made with advan-
tage to the interests of religion. Witness my hand
this —— day of —— in the year of our Lord one thou-
sand eight hundred and ——.

[*Signature.*]

Signed in the presence }
of - - - }

**Inquiry by
the arch-
bishop.**

On receipt of this representation the archbishop will
inquire into the circumstances of the case, and if it shall
appear to him that the union may be usefully dissolved
he will give the following notice: —

**Form of
notice of
intended
disunion.**

FORM of the notice by the archbishop to be affixed on
or near the principal outer door of the church
or in some public and conspicuous place in each of
the benefices forming part of the united bene-
fice; — to be written at the foot of a copy of the
bishop's representation.

Notice is hereby given by me —— Lord Archbishop
of the province of ——, to any person or persons in-
terested in the disunion of the united benefice of ——
in the county of —— and diocese of ——, particularly
mentioned in the representation relating to such dis-
union and the separation of the said —— of —— from
the said —— of ——, of which a copy is above written,
that he, she, or they may, within six weeks from the
day of affixing this notice on this door [*or place*] show
cause in writing under his, her, or their hand or hands, to
me the said —— archbishop of the said province, against

any such disunion. Dated this — day of — in the year of our Lord one thousand eight hundred and —.

[Signature.]

Signed in the presence }
of - - - }

The notice should be affixed on the proper door [*or place*] by a careful person, who should write at the foot of the notice “ This notice was here affixed on the — day of —, 18— ;” and he should keep an exact copy of the notice, with a memorandum of the time of affixing it, and transmit the original at the end of six weeks from the time of affixing it to the archbishop, with a certificate thereon, signed by him, that the same had remained so affixed for the said period of six weeks.

Directions as to affixing notice, &c.

As to the certificate to be made to her Majesty in council by the archbishop of the province, and the order to be made in pursuance of such certificate, and the registration of the order, it appears only necessary to refer to the words of the 21st section before set forth.

Archbishop's certificate and order of council.

By the 22nd section of the said act, the incumbent after the issuing of the order in council may resign the benefice proposed to be separated.

By the 23rd section, the Queen in council, on the recommendation of the Archbishop of Canterbury, and with the consent of the patron or patrons of disunited benefices, may assign portions of glebe, and other possessions, which belonged to the united benefice, to each of the benefices.

Portions of glebe may be assigned to disunited benefices.

See also the 25th section, which extends the act 1 Victoria, ch. 23., for the purpose of providing houses of residence for incumbents within parishes disunited under the said act (1 & 2 Victoria, ch. 106.), or divided or separately endowed under the provisions of the church building acts 58 G. 3. ch. 45., and 59 G. 3. ch. 134.

As to providing houses for incumbents within parishes disunited.

INSTRUCTIONS how to proceed to effect the Separation of a Hamlet, &c., from the Parish or Mother Church, and to annex it to another Parish under the Provisions of the Act 1 & 2 Victoria, ch. 106.

Separation
of a hamlet.

THE following is a copy of the 26th section of the act:—

Provisions
for an-
nexing
isolated
places to
the con-
tiguous
parishes or
making
them
separate
benefices.

“ And whereas in some instances tithings, hamlets, chapelries and other places or districts may be separated from the parishes or mother churches to which they belong with great advantage, and places altogether extra-parochial may in some instances with advantage be annexed to parishes or districts to which they are contiguous, or be constituted separate parishes for ecclesiastical purposes; Be it enacted, that when, with respect to his own diocese, it shall appear to the archbishop of the province, or when the bishop of any diocese shall represent to the said archbishop that any such tithing, hamlet, chapelry, place or district within the diocese of such archbishop, or the diocese of such bishop, as the case may be, may be advantageously separated from any parish or mother church, and either be constituted a separate benefice by itself or be united to any other parish to which it may be more conveniently annexed, or to any other adjoining tithing, hamlet, chapelry, place or district, parochial or extra-parochial, so as to form a separate parish or benefice, or that any extra-parochial place may with advantage be annexed to any parish to which it is contiguous, or be constituted a separate parish for ecclesiastical purposes, and the said archbishop or bishop shall draw up a scheme in writing (the scheme of such bishop to be transmitted to the said archbishop for his consideration), describing the mode in which it appears to him that the alteration may best be effected, and how the

changes consequent on such alteration in respect to ecclesiastical jurisdiction, glebe lands, tithes, rent charges and other ecclesiastical dues, rates, and payments, and in respect to patronage and rights to pews, may be made with justice to all parties interested, and if the patron or patrons of the benefice or benefices to be affected by such alteration shall consent in writing under his or their hands to such scheme, or to such modification thereof as the said archbishop may approve, and the said archbishop shall on full consideration and inquiry, be satisfied with any such scheme or modification thereof, and shall certify the same and such consent as aforesaid, by his report to her Majesty in council, it shall be lawful for her Majesty in council to make an order for carrying such scheme, or modification thereof, as the case may be, into effect; and such order, being registered in the registry of the diocese, which the registrar is hereby required to do, shall be forthwith binding on all persons whatsoever, including the incumbent or incumbents of the benefice or benefices to be affected thereby, if he or they shall have consented thereto in writing under his or their hands; but if such incumbent or incumbents shall not have so consented thereto, the order shall not come into operation until the next avoidance of the benefice by the incumbent objecting to the alteration or by the surviving incumbent objecting, if more than one shall object thereto; and in such case the order shall forthwith, after such avoidance, become binding on all persons whatsoever."

And by the 27th sect. of the said act the Queen in council may make a supplemental order for removing doubts and settling disputes occasioned by the separation and annexation, &c.

Order for settling disputes caused by separation, &c.

FORM of the representation and scheme (with patron's consent) to be submitted by a bishop to the archbishop of the province for separating a hamlet from one parish and annexing it to another.

To the Most Reverend — Lord Archbishop of the province of —.

Form of bishop's representation to the archbishop as to separation of a hamlet.

I, the Right Reverend — Lord Bishop of —, do hereby represent to your Grace that belonging to the parish of — in the county of — and my diocese of — there is a hamlet called —, distant from the church of the said parish about four miles, and having a population of 700 persons or thereabouts; — the said parish containing a population, exclusive of the said hamlet, of 2000 persons or thereabouts; that the said hamlet of — is contiguous to the parish of — in the county of — in the said diocese, and within one mile of the church of the said parish, which last-mentioned parish has a population of 500 persons or thereabouts; and that the said hamlet of — may be advantageously separated from the said parish of — and united to the said parish of —, to which it may be more conveniently annexed; and I do hereby propose the following scheme [*the scheme must describe with precision the mode in which it appears to the bishop that the alteration may best be effected, and how the changes consequent on such alteration, in respect to ecclesiastical jurisdiction, glebe lands, tithes, rent charges, and other ecclesiastical dues, rates and payments, and in respect to patronage and rights to pews, may be made with justice to all parties concerned*]. And I do hereby submit the foregoing representation and scheme to your Grace; and in case you shall on full consideration and inquiry be satisfied therewith, I request that your Grace will be pleased to certify the same, and the consent of the patrons [*or patron*] by your report to her Majesty in council, pursuant to the act of parliament 1 & 2 Victoria, ch. 106.

Given under my hand this — day of — in the year of our Lord one thousand eight hundred and —.

[Signature.]

Signed in the presence }
of - - - - }

FORM of consent of patron * to be written at the foot of the said representation and scheme.

To the Most Reverend — Lord Archbishop of the province of —.

Form of patron's consent to the separation of a hamlet.

I —, of — in the county of —, esquire [*or other proper designation*], being the patron or person entitled to collate, present, or nominate [*as the case may be*] to the — of — in the county of — of which — the hamlet of — forms part, do by this writing under my hand signify to your Grace my consent to the scheme above proposed to your Grace by the Lord Bishop of — for separating the said hamlet of — from the said — of —, and for uniting it to the — of — in the same county, to which it is contiguous.

Witness my hand this — day of — in the year of our Lord 18—.

[Signature.]

Signed in the presence }
of - - - - }

A similar consent is to be signed by the patron of the benefice to which the said hamlet is proposed to be annexed, *mutatis mutandis*.

As to the report to be made to her Majesty in council by the archbishop of the province, and the order to be made in pursuance of such report, and the registration of the order, *and as to the consent of the incumbent affected thereby*, it appears only necessary to refer to the words of the 26th section before set forth.

Arch-[']bishop's report and order of council.

* As to patrons — see sections 125 to 128. both inclusive.

Reference
to ana-
logous
cases.

The mode of proceeding here proposed to obtain the separation of a hamlet from one parish, and its union with another will, it is hoped, be a sufficient guide for effecting any other of the purposes specified in the same section of the act.

AS to PENALTIES for Non-residence.

By the act 1 & 2 Vict. ch. 106. sect. 32. it is enacted as follows :—

“And be it enacted, that every spiritual person holding any benefice shall keep residence on his benefice, and in the house of residence (if any) belonging thereto; and if any such person shall, without any such license or exemption as is in this act allowed for that purpose, or unless he shall be resident at some other benefice of which he may be possessed, absent himself from such benefice, or from such house of residence, if any, for any period exceeding the space of three months together, or to be accounted at several times in any one year, he shall, when such absence shall exceed three months and not exceed six months, forfeit one third part of the annual value of the benefice from which he shall so absent himself; and when such absence shall exceed six months and not exceed eight months, one half part of such annual value; and when such absence shall exceed eight months, two third parts of such annual value; and when such absence shall have been for the whole of the year, three fourth parts of such annual value.”

Penalties for non-residence, on incumbent not having a licence or exemption, unless he be resident on another benefice.

By the 41st sect. it is enacted as follows :—

“ Provided also, and be it enacted, that every spiritual person having any house of residence upon his benefice, who shall not reside therein, shall, during such period or periods of non-residence, whether the same shall be for the whole or part of any year, keep such house of residence in good and sufficient repair; and in every such case it shall be lawful for the bishop to cause a survey of such house of residence to be made by some competent person, the costs of which, in case the house shall be found to be out of repair, shall be borne by

If house of residence not kept in repair, the incumbent to be liable to the penalties for non-residence.

such spiritual person ; and if the surveyor shall report that such house of residence is out of repair, it shall be lawful for the bishop to issue his monition to the incumbent to put the same in repair, according to such survey and report, a copy of which shall be annexed to the monition ; and every such non-resident spiritual person who shall not keep such house of residence in repair, and who shall not, upon such monition, and within one month after service of such monition, show cause to the contrary to the satisfaction of the bishop, or put such house in repair within the space of ten months, to the satisfaction of such bishop, shall be liable to all the penalties for non-residence imposed by this act during the period of such house of residence remaining out of repair, and until the same shall have been put in repair."

By the 118th sect. it is enacted as follows : —

Penalties
not reco-
verable for
more than
one year.

"And be it enacted, that no penalty shall be recovered against any spiritual person, under the provisions of this act, other or further than those which such spiritual person may have incurred subsequent to the first day of January in the year immediately preceding the year in which such proceedings shall be commenced."

By the 120th sect. it is enacted as follows : —

Com-
mencement
and con-
clusion of
the year.

"And be it enacted, that for all the purposes of this act, except as herein otherwise provided, the year shall be deemed to commence on the first day of January, and be reckoned therefrom to the thirty-first day of December, both inclusive."

By the 121st. sect. it is enacted as follows : —

How
months to
be calcu-
lated.

"And be it enacted, that for all the purposes of this act the months therein named shall be taken to be calendar months, except in any case in which any month or months are to be made up of different periods less than a month, and in every such case thirty days shall be deemed a month."

Penalties for non-residence are to be recovered as pointed out in the 114th section, and when recovered are to be applied towards the augmentation or improvement of the benefice or of the house of residence thereof, or of any of the buildings or appurtenances thereof.

Recovery and application of penalties.

The whole or part of any penalty may (by the 57th sect.) be remitted by the bishop, — and where he shall remit a penalty exceeding one third part of the yearly value of the benefice, for any non-residence exceeding six months in the year, the case is to be referred to the archbishop of the province, who is authorised to allow or disallow the same, wholly or in part; and where the archbishop shall so remit a penalty of the same amount in his own diocese, for any such non-residence, the case is to be referred to the Queen in council, to be allowed or disallowed.

Remission of penalties.

In case a tenant of the house of residence keeps adverse possession, the incumbent of the benefice (by the 60th sect.) is not to be liable to any penalty for not residing therein during such time as such tenant shall continue to occupy such house of residence, or other buildings or appurtenances necessary to the occupation of the same.

Incumbent not liable whilst tenant continues to occupy house &c.

By the 58th sect. it is enacted, “that if the benefice of any spiritual person shall continue, for the space of one whole year, under sequestration issued under the provisions of this act for disobedience to the bishop’s monition, or order requiring such spiritual person to reside on his benefice, or if such spiritual person shall, under the provisions of this act, incur two such sequestrations in the space of two years, and shall not be relieved, with respect to either of such sequestrations, upon appeal, such benefice shall thereupon become void.”

Benefice continuing sequestrated one year, or being twice so sequestrated within two years, to become void.

*AS to EXEMPTIONS and partial Exemptions from the Penalties of Non-residence.**

As to exemptions before 14th August, 1838.

A LIST of spiritual persons who are wholly or partially exempt from the penalties of non-residence on benefices, of which they were in possession before the 14th day of August 1838, by virtue of offices then held by them; such exemptions being continued to them by the 40th section, 1 & 2. Vict. ch. 106., which section is here set forth:—

Existing rights as to exemptions and licences preserved.

“ Provided always, that every spiritual person being in possession of any benefice at the time of the passing of this act, and entitled by the law, previously in force, to exemption from residence, or to apply for a licence for non-residence, shall, as to every such benefice, but not as to any after taken benefice, be entitled to the same exemption from residence, and to the same capacity of applying for and obtaining a licence for non-residence, and to the same right of appeal in case of refusal or revocation of a licence to which he was entitled before the time of the passing of this act.”

THE LIST BEFORE REFERRED TO.

[See (repealed) act 57 G. 3. c. 99. s. 10.]

Chancellor	}	of either of the Universities of Oxford or Cambridge.
Vice-Chancellor, or Commissary		
Warden,	}	of any College or Hall within the said Universities.
Dean,		
Provost,		
President,		
Rector,		
Principal,		
Master, or other Head Ruler		
Professors, or Public Readers	} in either of the said Universities	{ actually resident within the precincts of the University, and reading lectures therein.

* By the 50th sect. it is required that a statement in writing of the grounds of exemption shall be transmitted by incumbent to churchwardens, &c. within one month after his taking advantage of such exemption, to be deposited in parish chest and produced and read at next visitation.

Scholars - - { under the age of thirty years, abiding for study without fraud, at either of the said Universities.

LIST (continued) of Persons who are wholly or partially exempt from the Penalties of Non-residence on Benefices of which they were in possession before the 14th August, 1838, by virtue of Offices then held by them.

Every Chaplain of - the Queen
- the King
- the Children } of the
- the Brethren } Queen
- the Sisters } or King } so long as he shall actually attend in the discharge of his duty as such Chaplain in the Household to which he belongs.

Every Chaplain of - an Archbishop
of - a Bishop
of - any temporal Lord in Parliament
of - any person or persons authorised by law to appoint any chaplain or chaplains, } during so long as he shall abide and dwell and daily attend in the actual performance of his duty as such chaplain in the household to which he shall so belong.

Actually serving as Chaplain - { of the House of Commons,
or as Clerk or Deputy Clerk - { of Her Majesty's closet,
or as Clerk or Deputy Clerk - { of the closet of the Heir Apparent -
or as a Chaplain General of - { Her Majesty's forces by sea or land -
or as Chaplain - { of Her Majesty's Dock Yards, } while such spiritual person shall be actually attending and performing the duties of such office respectively.

or as Chaplain - in the house of any British Ambassador residing abroad, } during the time of his performing the duties of such his office.

or as Chancellor or Vicar-General, or as Commissary, } - - - } whilst exercising the duties of their offices respectively.

or as an Archdeacon - - - } whilst upon visitations, or otherwise engaged in the exercise of his functions.

Minor Canon, Vicar Choral, Priest Vicar, or any such other Public Officer - } in any cathedral or collegiate church, } during the times for which he shall actually reside within the precincts of the cathedral or collegiate church to which he shall belong, or within the city or town in which the said cathedral or collegiate church is situate, or the suburbs thereof, and shall actually perform the duties of his office.

Dean or Subdean or Priest, or Reader } in any of Her Majesty's royal chapels at St. James's or Whitehall, } whilst residing and actually performing the duty of any such office respectively.
or as Reader } in Her Majesty's private chapels at Windsor or elsewhere,

LIST (continued) of Persons who are wholly or partially exempt from the Penalties of Non-residence on Benefices of which they were in possession before the 14th August 1838, by virtue of Offices then held by them.

Actually serving as Preacher in any of the Inns of Court, or at the Rolls.

<p>or as Bursar, Treasurer, Dean, Vice President, Subdean, or Public Tutor, or Chaplain or other such public officer - - -</p> <p>or as Public Librarian, or Public Registrar, or Proctor, or Public Orator, or other such public officer - -</p>	}	<p>in any college or hall in either of the Uni- versities of Oxford or Cambridge,</p> <p>in either of the said Universities,</p>	}	<p>during the period for which they may respectively be required by reason of any such office, to reside and perform the duties, and actually shall reside and perform the same.</p>
<p>or as Fellow of any College - - -</p>	}	<p>in either of the Uni- versities,</p>	}	<p>during the time for which he may be required to reside by any charter or statute, and shall actually reside therein.</p>
<p>or as Warden, Provost or Fellow - - -</p> <p>or the Master - -</p>	}	<p>of Eton or Winchester college,</p> <p>of the Charter House,</p>	}	<p>during the time for which he may be required so to reside, and shall actually reside there- in respectively, or within the city or town, or suburbs of the city or town, within or near to which the said colleges are respectively situate.</p>
<p>or as Master or Usher or as Master or Usher or as Principal or Pro- fessor</p>	}	<p>in the said college of Eton or Winchester. of Westminster School. of the East India College.</p>	}	

Further
exemp-
tions.

The spiritual persons who were specially exempt from residence, under the provisions of any other act or acts of parliament, before the act of 1 & 2 Vict. ch. 106., and who were in possession of benefices before the passing of that act, are still entitled to the exemptions given by such act or acts, with respect to such benefices.

Further
exemp-
tions.

By the said 40th section of the act 1 & 2 Victoria, ch. 106., the exemptions given by the eleventh and thirteenth sections of the act 57 G. 3. ch. 99. (here set forth) are continued to incumbents, in respect of benefices of which they were in possession before the 14th day of August, 1838.

Sect. 11. "And be it further enacted, that it shall be lawful for any spiritual person being dean,

during such time as he shall reside upon his deanery, or being prebendary or canon, or holding any other dignity or dignities in any cathedral or collegiate church or churches, who shall reside any period not exceeding four months altogether within the year upon such dignity or dignities, to account such residence as if he had legally resided on some benefice: Provided always, that it shall be lawful for any spiritual person having or holding any prebend, canonry, or dignity in any cathedral or collegiate church, in which the year for the purposes of residence is accounted to commence at any other period than the first of *January*, and who may keep the periods of residence required for two successive years at such cathedral or collegiate church, in whole or in part, between the first of *January* and the thirty-first of *December* in any one year, to account such residence, although exceeding four months in the year, as reckoned from the first of *January* to the thirty-first of *December* as if he had legally resided on some benefice; any thing in this act contained to the contrary notwithstanding."

Dignitaries residing at cathedral churches for certain periods, exempted.

Provision for cases in which the year of residence at cathedrals commences at any other period than the 1st of *January*.

Sect. 13. (57 G. 3. ch. 99.) " Provided always, and be it further enacted, that no spiritual person appointed to any prebend, canonry, or dignity in any cathedral or collegiate church before the passing of this act, shall be subject to any penalty or forfeiture for non-residence upon any benefice during the period of his actually residing upon such prebend, canonry, or dignity."

Proviso for prebendaries, &c. appointed before the act 57 G. 3. c. 99.

Persons wholly exempt under the act 1 & 2 Vict. c. 106.

A list of spiritual persons wholly exempt from the penalties of non-residence by virtue of the 37th section of the act 1 & 2 Victoria, c. 106., *provided they do not hold more than one benefice with cure of souls.*

Head Ruler	{ of any College or Hall within either of the Universities of Oxford or Cambridge.
Warden	of the University of Durham.
Head Master	of Eton, Winchester, or Westminster School.
Principal or any Professor,	{ of the East India College, having been appointed such Principal or Professor before the time of the passing of the act.

Persons having temporary exemptions after 1 & 2 Vict. c. 106.

A list of spiritual persons having partial or temporary exemptions from the penalties of non-residence by virtue of the 38th and 39th sections of the said act.

The Dean of any Cathedral or Collegiate Church,	} during his residence on his Deanery.
A Professor or Public Reader in either of the said Universities,	} while actually resident within the precincts of the University, and reading lectures therein.

Provided that a certificate under the hand of the Vice Chancellor or Warden of the University, stating the fact of such residence, and of the due performance of such duties, shall, in every case, be transmitted to the bishop of the diocese wherein the benefice held by such Professor or Public Reader is situate, within six weeks after the 31st day of December in each year.

Chaplain	{ of the Queen's or King's Most Excellent Majesty, of the Queen Dowager, of the Queen's or King's Children, Brethren or Sisters, }	} during so long as he shall actually attend in the discharge of his duty, as such chaplain, in the household to which he shall belong.
Chaplain	{ of any Archbishop or Bishop, }	} whilst actually attending in the discharge of his duty as such chaplain.
Clerk or deputy Clerk	{ of the House of Commons of the Queen's or King's Closet, }	} while actually performing the functions of his office.
Chancellor Vicar-General or Commissary	{ of any Diocese, }	} while exercising the duties of his office.

LIST (continued) of partial or temporary exemptions under the said act.

Archdeacon,	{	while upon his visitation or otherwise engaged in the exercise of his archidiaconal functions.	
Dean, Subdean, Priest, or Reader,	{	in any of the Queen's or King's royal Chapels at St. James's or Whitehall,	} whilst actually performing the duties of his office.
Reader,	{	in the Queen's or King's private Chapels at Windsor or elsewhere,	
Preacher,	{	at any of the Inns of Court, or at the Rolls,	
Provost of Eton College, Warden of Winchester College, Master of the Charter House, Principal of St. David's College, _____ of King's College, London,	}	during the time for which he may be required to reside, and shall actually reside therein respectively.	
Prebendary, Canon, Priest Vicar, Vicar Choral, or Minor Canon Fellow of Eton or Winchester College,	{	of any Cathedral or Collegiate Church,	} who shall reside and perform the duties of his office during the period required by the charter or statutes of such Cathedral or Collegiate Church or College.

Provided that no such prebendary, &c. shall be absent from any benefice on account of such residence and performance of duty for more than five months altogether in any one year, including the time of such residence on his prebend, canonry, vicarage, or fellowship. Provided also, that a spiritual person holding any such office in a cathedral or collegiate church or college, in which the year for the purposes of residence is accounted to commence at any other period than the first of January, and who may keep the periods of residence required for two successive years, in whole, or in part, at such cathedral or collegiate church or college, between the 1st of January and the 31st of December, in any one year, may account such residence, although exceeding five months in the year, as reckoned from the 1st of January to the 31st of December, as if he had resided on some benefice.

As to a licence to render a house not belonging to a benefice the legal house of residence.

INSTRUCTIONS as to a Petition to the Bishop for a Licence, where there is no House, or no fit House of Residence on a Benefice, to permit the Incumbent to reside in some fit and convenient House; which, during the Existence of such Licence will be the legal House of Residence, and an Incumbent residing therein will be legally resident.

Licence to reside out of the usual house, if unfit.

By the 33d section of the act 1 & 2 Vict. c. 106. it is enacted, “*That it shall be lawful for any bishop upon application in writing by any spiritual person holding any benefice within his diocese, whereon there shall be no house, or no fit house of residence, by licence under his hand and seal, to be registered in the registry of the diocese, which the registrar is hereby required to do, to permit such person to reside in some fit and convenient house, although not belonging to such benefice, such house to be particularly described and specified in such licence, and for a certain time to be therein also specified, not exceeding the period * by this act limited, and from time to time as such bishop may think fit to renew such licence, and every such house shall be a legal house of Residence for such specified time to all intents and purposes: Provided always, that no such licence shall be granted to such spiritual person to reside in any house unless it be within three miles of the church or chapel of such benefice; nor in case such church or chapel be in any city, or market, or borough town, unless such house be within two miles of such church or chapel.*”

* By sect. 46. a licence for non-residence may be granted till the 31st December in the year next after the year in which it is granted.

FORM of Application by an Incumbent for a Licence,
under the foregoing section : —

To the Right Reverend —, Lord Bishop of —.

The humble Petition of the Reverend A. B.,
Rector of —, in the county of —,

Sheweth,

That your petitioner has no house of residence on his said benefice [*or, no house on his said benefice fit for his residence, as the case may be*].

That your petitioner resides in a fit and convenient house belonging to —, situate at [*here give an exact account of the situation, parish, &c. so as clearly to identify the house, in order that it may be properly described in the Bishop's licence*], which house is not distant * more than [*three miles, or two miles, as the case may be,*] from the church of his said benefice, such distance being exactly —.

Your petitioner humbly prays your Lordship to grant a licence to permit your petitioner to reside in the said house, that it may, by virtue of such licence, be his legal house of residence to all intents and purposes.

Witness his hand, }
this — day of } [Signature and address.]
—, 18—. }

* If the distance should exceed that prescribed by the 33d sect. the incumbent may apply for a licence for non-residence, according to such of the forms hereinafter set forth as may apply to his case.

*INSTRUCTIONS as to a Petition to the Bishop for
a Licence for Non-residence. **

Grounds
for licences
for non-
residence as
to incum-
bents of
benefices
before 14th
August,
1838.

A licence may be granted, by virtue of the 40th section of the act 1 & 2 Vict. ch. 106., to any incumbent of a benefice, held by him before the 14th day of August, 1838, to be non-resident thereon, for any of the 26 reasons after mentioned, which are contained in the (*repealed*) act 57 G. 3. ch. 99. sect. 15.

The following is a copy of the 40th section of the first-mentioned act: —

Existing
rights as to
exemption,
and
licences
preserved.

“ Provided always, that every spiritual person being in possession of any benefice, at the time of the passing this act, and entitled by the law previously in force to exemption from residence, or to apply for a licence for non-residence, shall, as to every such benefice, but not as to any after-taken benefice, be entitled to the same exemption from residence, and to the same capacity of applying for and obtaining a licence for non-residence, and to the same right of appeal, in case of refusal or revocation of a licence to which he was entitled before the time of the passing of this act; and every bishop and other person empowered before the passing of this act to grant such licence to such spiritual person, shall have the like power after the passing thereof, any thing herein-before contained to the contrary notwithstanding.”

The following is a list of the 26 reasons before referred to, arranged so as to be inserted in a petition to the Bishop for a licence for non-residence; viz.

On account of

Grounds
for licences
where the
incumbent
was in pos-
session
before
14 August
1838.

1. “ The actual illness of your petitioner ” [*or*, “ petitioner’s wife ”].
“ His actual infirmity of body ” [*or*, “ the actual infirmity of
body of his wife ”].

* By the 50th section, the incumbent must within one month after the grant of a licence send a copy to the churchwardens; until this is done, the licence will have no effect.

LIST (continued) of grounds for non-residence where the incumbent was in possession before the 14th August, 1838.

1. (*continued.*) "The actual illness, or the actual infirmity of body of son [*or*, his daughter], making part of and residing with him as his family."—In either of the foregoing cases a medical certificate will be required.
2. "There being no house of residence."
3. "The house of residence being unfit for his residence, such unfitness not being occasioned by his negligence, default, or other misconduct, and your petitioner undertaking to keep such house of residence in repair to the satisfaction of your Lordship."

When application is made for a licence for the 3d reason, a certificate by two neighbouring incumbents, in the following form, must be annexed to the petition :—

To the Right Rev. — Lord Bishop of —.

We, whose names are under written, do hereby certify your Lordship, that we have lately examined the — house of —, in the county of —, and we find it totally unfit for the residence of the incumbent in consequence of [*specify cause*], and that, to the best of our belief, such unfitness has not been occasioned by the Rev. —, the present incumbent ; and further, that the said — house and offices belonging thereto are in good and sufficient repair and condition.

Witness our hands, the — day of —, 18—.

C. D. rector of —.

E. F. vicar of —.

4. "His occupying in the parish of his said benefice a mansion or messuage, and his keeping the house of residence, and other buildings belonging thereto, in good and sufficient repair and condition."

When application is made for a licence for the 4th reason, a certificate by two neighbouring incumbents in the following form must be annexed to the petition :—

To the Right Rev. — Lord Bishop of —.

We, whose names are under written, do hereby certify your Lordship that we have lately examined the — house of —, in the county of —, and the buildings belonging thereto, and we found the same to be in good and sufficient repair and condition.

Witness our hands, the — day of —, 18—.

G. H. rector of —.

I. K. vicar of —.

LIST (continued) of grounds for licences for non-residence where the incumbent was in possession before 14th August, 1838.

5. " His said benefice being of small value, and his serving as licensed stipendiary curate at —, and having provided for the service of his said benefice to your Lordship's satisfaction."
6. " His being the duly licensed master [*or*, duly licensed usher] of the endowed school of —, and actually employed in teaching therein."
7. " His being master or preacher of the hospital, or incorporated charitable foundation of —."

Note. — The application for a licence on the last-mentioned ground must state, whether the petitioner constantly resides and performs the duties, or not, as a licence on this ground can only be granted " during the period for which he may be required to reside, by any charter or statute of any such hospital, or incorporated charitable foundation, or by any other lawful authority in the same, and shall actually reside and perform the duties therein."

8. " His being licensed by the bishop of —, and performing and executing the duties as endowed lecturer of —, [*or*, as chaplain of the endowed chapelry of —, *or*, as preacher of the endowed preachingship of —.]"
9. " His said benefice being of small value, and his serving as preacher in the proprietary chapel of —, in the city [*or*, town] of —, licensed thereto by the bishop of —."
10. " His being chaplain of her Majesty's garrison of —."
11. " — of the Royal Military Asylum at Chelsea."
12. " — of the Royal Military College at Sandhurst."
13. " His being teacher of the Royal Military Academy at Woolwich."
14. " His being chaplain at the Royal Hospital at Greenwich."
15. " — at Chelsea."
16. " — at Haslar."
17. " — at Plymouth."
18. " — to the Naval Asylum."
19. " — in her Majesty's Navy."
20. " — of her Majesty's Gaol of Newgate."
21. " — of the Penitentiary at Milbank."

LIST (continued) of grounds for licences for non-residence where the incumbent was in possession before 14th August, 1838.

22. "His being chaplain of the British Factory established at ——."
23. "His being principal surrogate or official in the Ecclesiastical Court of the diocese of ——."
24. "His being librarian of the British Museum."
25. "————— of Sion College."
26. "His being one of the trustees of Lord Crewe's charity."

Note. — Licences granted on the grounds before enumerated, from No. 10. to 26. (inclusive), can only be granted "during the time of personal attendance on the duties of the office respectively."

A licence for non-residence * may be granted by virtue of the act 1 & 2 Vict. ch. 106. sect. 43., to any incumbent of a benefice, for any of the five following reasons ; which may be stated in the petition for a licence, as here arranged : —

Grounds for licences, where the incumbent was not in possession till after 14th August, 1838.

On account of

1. "His incapacity of mind or body." — A medical certificate will be required.
2. "The dangerous illness of his wife ; or child, making part of his family, and residing with him as such." — A medical certificate will be required.

[In this case, the bishop may only grant a licence for six months ; — and it may not be renewed, save with the allowance of the archbishop of the province.]

3. "There being no house of residence." — [See note below.]
4. "The house of residence being unfit for his residence, such unfitness not being occasioned by his negligence, default, or other misconduct ; and your petitioner keeping such house, and the buildings belonging thereto, in good and sufficient repair and condition, to the satisfaction of your lordship."

Note, as to 3. and 4. — A certificate, under the hands of two neighbouring incumbents, countersigned by the rural dean (if any), must be produced to the bishop, that no

* See note at the foot of p. 86. as to copy of licence being sent by incumbent to churchwardens.

house, convenient for the residence of the incumbent, can be obtained within the parish, or within the precincts prescribed by the act [see act 1 & 2 Vict. ch. 106. sect. 43].

5. " His occupying in the same parish a mansion or messuage whereof he is owner ; he keeping the house of residence, and other buildings belonging thereto, in good and sufficient repair and condition."

When a petition is presented for a licence, for reason No. 5., the incumbent is to produce to the bishop proof, to his satisfaction, that the house of residence and buildings are in good and sufficient repair and condition.

Every petition for licence for non-residence to be in writing, and to state certain particulars.

By the act 1 & 2 Vict. ch. 106. sect. 42., " it is enacted, " That every spiritual person applying for a licence for non-residence shall present to the bishop a petition, signed by himself or by some person approved by the bishop in that behalf, and shall state therein whether such spiritual person intends to perform the duty of his benefice in person, and in that case where and at what distance from the church or chapel of such benefice he intends to reside ; and if he intends to employ a curate, such petition shall state what salary he proposes to give to such curate, and whether the curate proposes to reside or not to reside in the parish in which such benefice is situate ; and if the curate intends to reside therein, then whether in the house of residence belonging to such benefice, or in some and what other house : and if he does not intend to reside in the parish, then such petition shall state at what distance therefrom, and at what place such curate intends to reside, and whether such curate serves any other and what parish as incumbent or curate, or has any and what cathedral preferment, and any and what benefice, or officiates in any other and what church or chapel ; and such petition shall also state the annual value and the population of the benefice in respect of which any licence for non-residence shall be applied for, and the number of

churches or chapels, if more than one, upon such benefice, and the date of the admission of such spiritual person to the said benefice; and it shall not be lawful for the bishop to grant any such licence unless such petition shall contain a statement of the several particulars aforesaid; and every such petition shall be filed in the registry of the diocese by the registrar thereof, and shall be open to inspection, and copies thereof made, with the leave in writing of the bishop.”

By sect. 46. it is enacted as follows:—

“ And be it enacted, that no licence for non-residence granted under this act or under the said herein-before second recited act shall continue in force after the thirty-first day of *December* in the year next after the year in which such licence shall have been or shall be granted.

Duration of licences.

THE FORM OF A PETITION,

For a licence for non-residence, where the incumbent intends to perform the duty in person [*but see the form of petition page 85. if the house in which the incumbent resides be within the specified distance of three miles or two miles (as the case may be) from his church or chapel*].

Form of petition, where incumbent intends to perform duty in person.

To the Right Reverend —, Lord Bishop of —.

The humble petition of the Reverend —, rector of —, in the county of —,

SHEWETH,

That your petitioner is desirous to obtain your lordship's licence for non-residence on his said benefice, on account of:

[Here state the grounds on which the petitioner applies for a licence for non-residence; viz. if he was incumbent of the benefice before the 14th day of August, 1838, then according to such one of the twenty-six reasons before enumerated, but if he was not incumbent of the said benefice before that day, then according to such one of the five reasons before enumerated, as applies to his case.]

That your petitioner intends to perform the duty of the said benefice in person, and to reside at —, distant from his parish church (*here state the distance accurately*). [If he intends to employ a curate to assist him he must state his name, and the amount of his stipend; and whether his curate proposes to reside or not to reside in the parish; and if not in the parish, then at what place, and at what distance therefrom; and whether such curate serves any, and what, parish, as incumbent or curate; or has any, and what, cathedral preferment; and any, and what, benefice; or officiates in any other, and what, church or chapel.]

That the net annual value of the said benefice, estimated according to the act 1 & 2 Victoria, ch. 106. sects. 8. and 10., is —, and the population thereof, according to the last returns of population made under the authority of Parliament, is —; that there is one church and one chapel [*state the real fact*] upon the said benefice; that the house of residence of the said benefice, and the buildings and fences belonging thereto, [*if any*] are in good repair and condition; and that your petitioner was admitted to the said benefice on the — day of —, in the year of our Lord 18—.

Witness his hand this }
— day of —, 18—. }

[Add signature and
address.]

THE FORM OF A PETITION,

For a licence for non-residence, where the incumbent does not intend to perform the duty in person.

To the Right Reverend —, Lord Bishop of —.

The humble petition of the Reverend —, Rector of —, in the county of —,

Form of petition, where the incumbent does not intend to perform his own duty.

SHEWETH,

That your petitioner is desirous to obtain your lordship's licence for non-residence on his said benefice, on account of:

[Here state the grounds on which the petitioner applies for a licence for non-residence, viz. if he was incumbent of the benefice before the 14th day of August, 1838, then according to such one of the twenty-six reasons before enumerated; but if he was not incumbent of the said benefice before that day, then according to such one of the five reasons before enumerated, as applies to his case.]

That your petitioner does not intend to perform the duty of the said benefice in person, but to employ the Reverend — as his curate, who is [*or is nominated and proposes to be*] licensed, with a yearly stipend of —; that he resides in the glebe house, [*or he resides at a house situate at — in the said parish, or he resides at —, in the parish of —, distant from the church of the petitioner's benefice — miles [as the case may be].*

That his said curate does not serve any other parish as incumbent or curate, and does not officiate in any other church or chapel [*or does serve the parish of —, distant from his place of residence — miles, as incumbent, — or as curate; — or does officiate in the church of —, or chapel of —; as the case may*

be]; that he has not any cathedral preferment, nor any benefice [*if otherwise, specify what preferment or benefice he holds*].

That the net annual value of your petitioner's said benefice, estimated according to the Act 1 & 2 Victoria, ch. 106. sect. 8. and 10., is —, and the population thereof, according to the last returns of population made under the authority of parliament is —.

That there is one church and one chapel [*state the real fact*] upon the said benefice; that the house of residence of the said benefice, and the buildings and fences belonging thereto [*if any*], are in good repair and condition; and that your petitioner was admitted to the said benefice on the — day of — in the year of our Lord, 18—.

Witness his hand, this }
— day of — 18—. }

[*Add signature and address.*]

*AS to PETITIONS for licences for Non-residence, on
Grounds not enumerated.*

By the 44th sect. 1 & 2 Vict. ch. 106.— It is enacted as follows : —

“ And be it enacted, that it shall be lawful for any bishop, in any case not herein-before enumerated, in which such bishop shall think it expedient, to grant to any spiritual person holding any benefice within his diocese a licence to reside out of the limits of such benefice : provided always, that in every such case the nature and special circumstances thereof, and the reasons that have induced such bishop to grant such licence, shall be forthwith transmitted to the archbishop of the province, who shall forthwith proceed therein as herein-after provided in cases of appeal, and shall allow or disallow such licence in the whole or in part, or make any alteration therein, as to the period for which the same may have been granted or otherwise ; and no such licence shall be valid unless it shall have been so allowed by such archbishop, such allowance thereof being signified by the signing thereof by such archbishop : provided also, that it shall not be necessary in such licence to specify the cause of granting the same.”

In case the incumbent for any benefice is desirous to obtain a licence for non-residence, on special grounds not enumerated, he must present a petition to the bishop, in the same form as in a case enumerated, but stating the special grounds (*in the place of the enumerated grounds*) with precision. A licence * of this description is not valid until allowed by the archbishop of the province under his hand : to obtain such allow-

In cases not enumerated bishops may grant licences to reside out of limits of benefice, subject to allowance by the archbishop.

Instructions for petitions for licences for non-residence, on grounds not enumerated.

* See note at the foot of p. 86. as to copy of licence being sent to churchwardens by the incumbent.

ance, it is necessary that the bishop should transmit the licence, when signed by him, to the archbishop, with a letter, stating the nature and special circumstances of the case, and the reasons which induced him to grant the licence. *In such a licence it is not necessary to specify the cause of granting it.*

Duration
of licences.

See page 91. as to the duration of licences.

OBSERVATIONS as to "Non-residence" on a Benefice, showing when Penalties do, and when they do not attach, under the Provisions of the Act 1 & 2 Victoria, c. 106.

THE incumbent of a benefice is considered to be non-resident, when absent for a period or periods exceeding altogether three calendar months in any one year; and he is, in consequence of such absence, subject to the penalties for non-residence, except under the following circumstances, viz. *firstly*, when he is absent under the authority of a licence from the bishop, and according to the terms and conditions of such licence: *secondly*, when, under the provisions of the act, he is exempted from such penalties wholly or in part, according to the terms of such exemption, in virtue of some dignity or office which entitles him to such exemption [*see the List of Exemptions set forth at page 78. of this work*]: and *thirdly*, when he is * legally resident at some other benefice of which he may be possessed.

Incumbent incurs penalties by absence exceeding three calendar months in any one year, unless licensed by the bishop; or exempted wholly or in part by some dignity, &c.;

or legally resident on another benefice, held by him.

It has been before observed, but it may be well to repeat that, by the 50th section of the act, it is required, that a copy of every licence for non-residence, and a statement in writing of the grounds of exemption, shall be transmitted by the spiritual person to whom such licence shall have been granted, or who may be exempted from residence, to the churchwardens or the chapel-wardens of the parish or place to which the same relates, within one month after the grant of such licence, or of his taking advantage of such exemption, as the case may be; and if he neglects so to transmit a copy of such licence or statement of exemption he will lose all benefit of such licence, and until he shall have transmitted such statement he will not be entitled to the benefit of such exemption.

Incumbent to transmit a copy of licence, or statement of exemption, to the churchwardens, to entitle him to the benefit thereof respectively.

* The 32d and 33d sections show what constitutes legal residence.

ANNUAL Returns of Residence, by the Bishops, to the Queen in Council.

Annual return by bishops to the privy council, concerning residence, &c.

Full and specific answers to be made by incumbents within three weeks after receipt of questions annually transmitted by bishops.

Particular attention to this regulation recommended.

THE bishop of each diocese is required to make to her majesty in council, on the 25th day of March in every year, a return of the residence and non-residence of incumbents of benefices in his diocese, for the preceding year. To enable the bishops to do this, incumbents of benefices are, by the 52d section of the act, required to transmit to the bishop full and specific answers to questions (contained in the 1st schedule to the act, and which the bishops are to send to their clergy yearly, in the month of January), within three weeks after they shall receive the same from the bishop.

The particular attention of incumbents to this requisition is respectfully recommended; as it is obvious that it is impossible for the bishops to make their returns correctly and in due time, unless incumbents do send full and specific answers to the questions within the limited period of three weeks.

AS to BUILDING and repairing Houses of Residence.

THE following statement of the statutory powers and provisions in regard to the building, re-building, and repairing of parsonage-houses, and offices belonging thereto, will show with what facility those important purposes may be now accomplished:—

It should in the first place be observed, that by the act 14 Eliz. ch. 11. sect. 18. it is required, That all sums of money which shall be recovered for or in the name of dilapidations, by sentence, composition, or otherwise, shall, within two years after such receipt, be truly employed upon the buildings and reparations in respect whereof such money for dilapidations shall be paid, on pain of forfeiture of double the amount to the Queen.

Money received for dilapidations.

By the Acts 17 G. 3. ch. 53. (commonly called Gilbert's Act), and 21 G. 3. ch. 66. (*both of which are set forth in the Appendix*) it is provided, That whenever any ecclesiastical living, parochial benefice, chapelry, or perpetual curacy, being under ecclesiastical jurisdiction, shall be without a house of residence, or such house shall have become so ruinous and decayed, or shall be so mean, that one year's net income and produce of the living would not be sufficient to build, re-build, or put the same with the necessary offices belonging thereto, in sufficient repair, the incumbent may borrow, upon the security of a mortgage of the profits of his living, such a sum, exceeding one, and not exceeding two years' net income of the living, as an estimate, on oath, of the work proposed to be done shall amount to, after deducting the value of any timber and old materials which there may be on the glebe.

Under acts 17 G. 3. c. 53. and 21 G. 3. c. 66., incumbents may borrow 2 years' income, to re-build and repair parsonage houses.

The terms of re-payment of the mortgage money, with interest, as prescribed by the above acts, were as follows:—

The incumbent for the time being was to pay the interest yearly, as it became due, and 5 per cent. per

Terms of re-payment of the money borrowed.

annum upon the principal money originally advanced, by yearly payments: but if he should not reside twenty weeks upon the mortgaged living, computing such year from the date of the mortgage deed, (except, as provided by the act 5 G. 4. ch. 89., such non-residence were by licence, granted on account of illness or infirmity of mind or body of himself, or of his wife or child,) he was bound, instead of 5, to pay 10 per cent. per annum of the principal, until the whole should be discharged: And every 5 per cent. instalment was required to be accompanied by a certificate, under the hands of two neighbouring clergymen, of the residence of the incumbent for twenty weeks in the year for which the payment became due.

In certain cases the ordinary may, with patron's consent, proceed in execution of the powers of the act.

The former of these acts also contains a provision, That where a living, if above the clear yearly value of £100, shall be without a house of residence (or such house shall be so mean, or in such a state of decay as aforesaid, and the incumbent shall not reside in the parish for twenty weeks in the year, and shall not take any steps for building, re-building, or repairing such parsonage-house), the ordinary may (*with the consent of the patron*) procure an estimate, and proceed in the execution of the several powers of the act, in such manner in every respect as the incumbent himself is authorised and directed to proceed.

Application of monies received for dilapidations.

The same act requires, That all monies received for dilapidations, and not expended in repairs prior to the mortgage, shall be applied in part of the payment under the estimate; and that all such monies which may be received after the mortgage, shall be applied towards payment of the principal; or if all the mortgage-money shall be paid off, in additional buildings or improvements.

Act 5 G. 4. c. 89., authorising in certain cases the re-payment of the

By the act 5 G. 4. ch. 89. (*set forth in the Appendix*) power was given to the incumbent and mortgagee [*with consent of the ordinary and patron*] in those cases where 2 years' income had been borrowed, and upon a particular account, verified on oath, being produced to the ordinary,

showing the diminished income of the living, to make a binding agreement that the yearly payments in discharge of the principal money secured by the mortgage, should be made at the rate of 5 or 10 per cent. per annum, (*as the case might require,*) of the sum, which 2 years' net income of the living should appear to amount to, according to the account laid before the ordinary.

money borrowed by reduced instalments.

The provisions of the above acts however, in regard to the borrowing of money, and the re-payment of the money borrowed, have now been materially altered by the act 1 Vict. c. 23. [*set forth in the Appendix*].

This act authorises the incumbent of any benefice (the term "benefice" being, by the last clause of the act, explained as comprehending "all rectories with cure of souls, vicarages, perpetual curacies, and chapelries, the incumbents of which respectively in right thereof shall be corporations sole") to borrow, and take up at interest for the purposes of the acts 17 G. 3. and 21 G. 3., upon the security of a mortgage of the profits of his living, any sum or sums of money not exceeding three years' net income.

Act 1 Vict. c. 23. authorises the borrowing of 3 years' net income.

The terms of re-payment of such mortgage-money, with interest, are as follows:—

Terms of re-payment of the money to be borrowed.

The incumbent is, at the end of the first and each succeeding year of the mortgage term, (such year to be computed from the day of the date of the mortgage,) to pay to the mortgagee the yearly interest on the money borrowed, or on so much thereof as shall from time to time remain unpaid.

He is exempted, during the first year, from re-paying any portion of the principal; but at the end of the second and each succeeding year he is to pay one thirtieth part of the principal sum borrowed, until the whole thereof shall be repaid.

By this act, also, so much of the acts of the 17th and 21st G. 3., as requires the incumbent of a benefice mortgaged under the provisions thereof, if non-resident,

Repeal of the provisions requiring non-

resident incumbents to pay 10 per cent., and requiring incumbents paying 5 per cent.

to pay 10 per cent. per annum of the principal money borrowed, and as obliges an incumbent paying 5 per cent. per annum to produce a certificate of residence, is repealed as to all mortgages to be made after the passing of the act.

to produce certificate of residence.

As to mortgages already made to the governors of Q. A. B., the future instalments to be one thirtieth part of the money advanced, whether the

It is also provided, That for the future, *as to every mortgage which has been made to the governors of Queen Anne's Bounty by any incumbent, by virtue of the said two acts*, the instalment of the principal sum to be paid in every year to the governors, (whether such incumbent shall have been resident or not, and without production of any certificate of residence) shall be one thirtieth part of the principal originally advanced, in lieu of the yearly instalment thereby stipulated to be paid.

incumbent be resident or not.

Governors of Q. A. B. may lend to the amount of 100*l.* to livings under 50*l.* per annum, interest free;

The act also authorises the governors of Queen Anne's Bounty to lend any sum not exceeding £100 in respect of benefices under £50 per annum, free of interest; and as to benefices above £50, it authorises them to lend any sum to the extent authorised by the act to be borrowed.

Colleges and corporations may lend monies to livings in their patronage. Advantages now afforded.

and as to other livings, they may lend to the extent of 3 years' income.

It also gives power to colleges and halls within the universities of Oxford and Cambridge, and to other corporate bodies, to lend, interest free, to benefices in their patronage, any monies of which they have the power of disposing.

So that now, for the purpose of building, re-building, or repairing residence-houses, with the necessary offices, incumbents may borrow any sum, exceeding one and not exceeding three years' net income of their livings; and they are allowed thirty-one years, whether they be resident or not, for re-payment of the money borrowed, by thirty annual instalments; no instalment being payable for the first year: whereas under Gilbert's act, no more than two years' income could be borrowed;

and re-payment was required to be made, by yearly instalments of 10 per cent. by non-resident, and 5 per cent. by resident incumbents.

The ninth section of this act also directs, That monies which shall have arisen by sale of the residence-house and premises belonging to a living, and been paid to the governors of Queen Anne's Bounty under the seventh and eighth sections, shall be applied by the governors in or towards (amongst other purposes) *the erection* of some other house and offices suitable for the residence of the incumbent, and approved of by the ordinary and patron.

Monies arising from sale of residence-house, may be applied in the erection of a suitable house and offices.

Money appropriated to a living by Queen Anne's Bounty, may also be applied by the governors in the building, or re-building of a house of residence, and other proper erections within the parish, convenient and suitable for the residence of the minister thereof, under the authority of the third section of the act 43 G. 3. c. 107., *for effectuating certain parts of the act 2 & 3 Anne, c. 11., and for enlarging the powers of the governors of Queen Anne's Bounty.* It is not necessary to point out the mode of proceeding in such application of appropriated money, as printed directions and forms on this head may be had at the Queen Anne's Bounty-office.

Application of appropriated money for building purposes.

The governors do not however permit appropriated money to be applied to building purposes, until the incumbent has first raised the full sum allowed by law, upon a mortgage of his living.

But not till money has been raised by mortgage.

By the 62d and 12 following sections of the act 1 & 2 Victoria, ch. 106. [*set forth in Appendix*], provision is made for the building of fit houses of residence for all livings upon or at any time after the avoidance thereof. The following is a summary of the provisions of such sections:—

Summary of provisions of the 62d and 12 following clauses of the act 1 & 2 Vict. c. 106.

The bishop is authorised and required, upon or at any

Upon or after avoidance of a living, the bishop to issue commission of inquiry.

If no fit house of residence, and annual value of the living above 100*l.*, bishop to procure plan and estimate, and raise amount of estimate by a mortgage of the living to the extent of 4 years' income.

Bishop to transmit to patron and incumbent copies of commissioners report and plan, &c., two months before making the mortgage.

Bishop to state to the Queen in council his

time after the avoidance of a benefice, to issue a commission to four beneficed clergymen, directing them to inquire whether there is a fit house of residence, and what are the annual profits of the benefice; and if the clear annual profits exceed £100, whether a fit house of residence can be conveniently procured on the glebe of the benefice, or otherwise: And if the commissioners shall report that there is no fit house of residence, and that the clear annual profits of the living exceed £100, and that a fit house of residence can be conveniently procured on the glebe, or on any land which can be conveniently procured for the site of such house, the bishop is required to procure a surveyor's certificate containing a statement of the condition of the buildings, (*if any*) and of the value of the timber and other materials (*if any*) fit to be employed in building or repairing, or to be sold, and a plan and estimate of the work proper to be done for building or repairing such house of residence, with all necessary and convenient offices; and thereupon, by a mortgage of the profits of the living, to raise the amount of the estimate, not exceeding four years' net income.—[*The form of the mortgage-deed is contained in the second Schedule to the Act; and such mortgage is made binding upon the incumbent and his successors.*]

The bishop is required to transmit to the patron and incumbent [*if any*] copies of the commissioners' report, and of the plan, estimate, and surveyor's certificate, two calendar months before making the mortgage; and if they shall object to the proposed site, or the plan, or the amount proposed to be raised, and shall deliver such objections in writing to the bishop within such two calendar months, the bishop has the power of altering or modifying the plan as he may think fit.

And if, upon receiving the commissioners' report, the bishop shall think that it is not expedient to take any measures for providing a fit house of residence, he is to

make a special report of the grounds of his opinion to the Queen in council, in his next annual return.

reasons for not providing a fit house of residence in any case. Money to be paid to a nominee.

The money to be raised by mortgage is to be paid to a nominee to be appointed by the bishop; and the act contains directions for the application of such money, similar in all respects to those in Gilbert's Act; with the exception, that in all cases where, under that act, the approval of the bishop, patron, and incumbent is required, that of the bishop alone is by this act required.

The terms of re-payment of the mortgage-money and interest, are similar to those specified in the act 1 Victoria, c. 23., viz., the interest to be paid yearly, and no payment of principal to be made during the first year of the mortgage term; but in every subsequent year, one thirtieth part of the principal sum borrowed is to be paid, until the whole shall be discharged.

Terms of re-payment of money borrowed.

All monies received for dilapidations, and not expended in repairs prior to the mortgage, are to be applied in part of the payment under the estimate; and all such monies to be received after the mortgage, are to be applied towards payment of the principal; or, if all the mortgage-money shall be paid off, in additional buildings and improvements.

Application of monies received for dilapidations.

The governors of Queen Anne's Bounty are authorised to lend money on the terms of the act, at interest, not exceeding 4 per cent.

Governors of Q. A. B. may lend money.

And all colleges and halls in the universities, and other corporate bodies, are authorised to lend money, interest free, to livings in their patronage.

Colleges, &c. may lend to livings in their patronage.

INSTRUCTIONS to Incumbents who may be desirous to avail themselves of the Powers to borrow Money to build, rebuild, improve, or repair Parsonage Houses and Offices, by virtue of the Acts of Parliament before referred to, and which are to be observed before the intended Buildings are to be commenced.

Perusal of acts recommended.

EVERY clergyman desirous to avail himself of the powers given by the said acts, is recommended to peruse them with attention.

These instructions relate to raising money by mortgage only.

It may be necessary to remark, that the following instructions do not apply to any other powers, for other purposes, given by the said acts, such as* purchasing or exchanging houses and lands, &c., but merely to the powers thereby given to raise money by mortgage to pay for building, re-building, or repairing parsonage houses and offices.

The governors of Q. A. B. are disposed to lend moneys for the purpose of the acts.

The governors of Queen Anne's Bounty have, for many years, been in the habit of advancing sums of money for the purpose of building, re-building, or repairing parsonage-houses, on the terms of the acts 17 Geo. 3. c. 53. and 21 Geo. 3. c. 66., commonly called "Gilbert's Acts;" and they are disposed for the present to continue this accommodation on the terms of the act 1 Vict. c. 23. Applications to the governors for loans of money for the above purposes are to be made to John Dyneley, esquire, their solicitor, Gray's-Inn, London, who will supply the necessary instructions in those cases where the governors lend the money.

Documents by incumbents desirous to borrow but not of the governors of Q. A. B.

The documents to be supplied by incumbents desirous to borrow money of any other parties than the governors of Queen Anne's Bounty, under the acts for the above purposes, are,

* See Instructions as to Purchases and Exchanges.

1. A petition in writing to the bishop, stating the condition of the parsonage-house and offices, and the necessity of building or repairing; and praying him to issue his commission of inquiry to two neighbouring incumbents. On such commission being issued, the two clergymen named therein, having made the necessary inquiry, are to make a return thereto in the form given in the schedule to the act 17 Geo. 3. c. 53. [See page xviii. of the *Appendix*.]

Petition for a commission.

Return to commission.

2. A certificate, containing a statement of the condition of the buildings on the glebe, and a plan or plans, specification, and estimate of the intended new buildings or repairs, or other works, to be prepared by a skilful and experienced workman or surveyor, *who must certify the value of the old materials and timber on the glebe fit to be used, or to be sold towards defraying the expenses.* The surveyor ought to pay particular attention to the first section of the act, as he is to verify the above on oath. If there be no old materials nor timber fit to be used or sold, *the surveyor should state that fact.*

Certificate of state of buildings, and plan and estimate of intended works, to be made by a surveyor.

Old materials and timber.

THE Form of Surveyor's Affidavit to be sworn before a Justice of the Peace, or a Master in Chancery ordinary or extraordinary: —

A. B. of —, in the county of —, surveyor, maketh oath and saith, that he has been accustomed to survey and value, and to superintend the building and repairing of houses and buildings of all descriptions, and to value timber; and that he has lately surveyed the rectory [*or vicarage*] house, and offices belonging thereto, of —, in the county of —, and diocese of —; and that his certificate and specification of the present state and condition of the same, and of the nature and estimated expenses of the works necessary to be done [to rebuild, repair, enlarge, &c. *as the case may be*],

Surveyor's affidavit.

and of the value of the timber on the glebe, and of the value of the old materials fit to be used in and about the said works, or to be sold towards defraying the expenses thereof, (which certificate, specification, and estimate are contained in the paper writing hereunto annexed, marked C.) and also the plans hereunto annexed, marked D. and E. respectively, and made and drawn by this deponent, are, in the judgment of this deponent, severally correct and true.

A. B.

Sworn at —, in the county of —,
 this — day of —, 18—,
 Before me,
 C. D. justice of the peace for
 the county of —.

Exhibits.

The party administering the oath is to write on each of the papers and plans annexed to the affidavit, “the plan marked D. [*or* the paper writing marked “C.”] referred to in the affidavit of A. B. hereunto “annexed;” and to sign his name.

Certificate
of value.

3. Certificate by incumbent, verified on oath, of the gross annual value of the living, stating also all stipends, taxes, and other outgoings to be deducted therefrom (except curate’s stipend), to be sworn before a justice of the peace or a master (ordinary or extraordinary) in chancery.

Certificate
as to
incum-
brances.

4. Certificate by incumbent on oath that he has not done any act to charge or incumber the living with any annuity, mortgage, or otherwise, and that it is not under sequestration or other incumbrance, to be sworn as above.

As to
sequestra-
tion.

5. Certificate by the registrar of the diocese, that the living is not under sequestration.

6. Names and description of a competent person to be nominee, to receive and apply the money to be borrowed, and of a sufficient surety to join him in a bond for due application thereof. Nominee and surety.

7. Names and description of the persons or person to whom the advowson belongs. Patron.

Note. — *It is most important to remark that none of the buildings or works, the expenses whereof are to be raised by a mortgage under these acts, are to be commenced until the mortgage-deed is executed and registered.* Deeds to be complete before buildings commenced.

AS TO THE NOMINEE.

DIRECTIONS to the Nominee to pass his Accounts.

The nominee, as soon as the buildings or repairs shall be completed, and the money paid, is to make out an account of his receipts and payments, together with the vouchers for the same, and enter them *in a book* fairly written, *which shall be signed by him* and laid before the ordinary, patron, and incumbent, and examined by them; and when allowed by them, in writing under their respective hands, in the form hereunder written, the same shall be a full discharge to the nominee; and the accounts and vouchers are then to be placed in the bishop's registry. 17 G. 3. c. 53. latter part of sect. 4. Passing accounts.

STATE of account of the money advanced and paid by A. B. [rector, or vicar, &c. *as the case shall be*] of the living of —, in the county of —, for the building [re-building, or repairing,] the parsonage-house, and buildings belonging to the said living, according to the direction of a statute made in the seventeenth year of the reign of his Majesty King George the Third.

A. B. nominee.

C. D. ordinary.

E. F. patron.

G. H. incumbent.

Allowance
of nomi-
nee's
account.

FORM of Allowance of Nominee's Account.

WE have examined, and do hereby approve and allow the above account.

Given under our hands this ——day of ——, 18——.

A. B. ordinary.

C. D. patron.

E. F. incumbent.

The nominee's account, and the allowance of it, are respectively to be first signed by the patron and incumbent, and transmitted with the vouchers, free of expense, to the bishop.

AS TO INSURANCE FROM FIRE.

17 G. 3.
c. 53.
sect. 6.
Insurance
from fire.

THE act directs, That the buildings authorised to be made by the act, shall be insured in one of the public insurance-offices established in London or Westminster, against accidents by fire, at such sum of money as shall be agreed upon by the ordinary, patron, and incumbent.

STATEMENT of the Means by which Houses of Residence, with the necessary Out-buildings and Offices, and Lands, and Premises convenient to be occupied therewith, also Sites for the Erection of Residence Houses and Offices, may be acquired. [See also the preceding Instructions as to building and repairing Houses of Residence, and Instructions as to Mortgages.]

1. BY PURCHASE.
2. BY BENEFACTION.
3. BY EXCHANGE.

Note. — The various acts of parliament referred to under these titles, are set forth at length in the *Appendix*.

1. *Purchase.*

By section 10. of the act 17 Geo. 3. ch. 53., where new buildings are necessary to be provided for the residence of the incumbent of any ecclesiastical living, parochial benefice, chapelry or perpetual curacy, the ordinary, patron, and incumbent may contract, or may authorise the nominee appointed under the provisions of the act to contract, for the absolute purchase of any house or buildings, in a situation convenient for the habitation and residence of the incumbent of such living, and not at a greater distance than one mile from the church belonging to such living: And they may also contract for any land adjoining, or lying convenient to such house or buildings, or to the house or buildings belonging to any living having no glebe lying near or convenient to the same; such land not to exceed two acres, if the annual value of the living shall be less than £100; nor two acres for every £100 per annum, if of greater value: in all which cases it is provided, That the buildings and lands so purchased shall be conveyed

Where new buildings are necessary for residence, the ordinary, patron, and incumbent may purchase house and buildings;

and adjoining land, within certain limits as to quantity.

Premises purchased to be con-

veyed to patron, in trust for incumbent.

to the patron of the living, in trust for the incumbent and his successors, and shall be annexed to the living in perpetuity.

Mode of raising purchase-money for the house and buildings.

The same section also authorises the payment of the purchase-money *for the house or buildings* so to be purchased, out of the monies to arise under the powers and authorities of the act; that is, by a mortgage of the profits of the living, upon the terms specified by the act: which terms are set forth in this work, p. 99.

Mode of raising purchase-money for the land.

Section 11. directs the purchase-money for *any land* so to be purchased, to be raised by sale of some convenient part of the glebe or tithes of the living.

Old benefice-houses, in certain cases, may be converted into farming-buildings for the tenants of the glebe.

It will be proper here to notice the 6th sect. of the act 1 Victoria, c. 23., which provides, That when it shall happen that any existing house and offices belonging to any benefice shall be unfit for the residence of the incumbent thereof, and shall be incapable of being enlarged or repaired so as to be rendered fit for his residence; and it shall be so certified to the bishop of the diocese wherein such benefice shall be situate, by some competent surveyor or architect; and that it will be advantageous to the benefice that such house and offices should be suffered to remain; it shall be lawful for the incumbent, with the consent in writing of the bishop, (such consent to be registered in such bishop's registry) to allow such house and offices to remain standing as a dwelling-house and offices, or to convert the same into farming-buildings, for the use and occupation of the occupier or occupiers of the glebe-lands belonging to such benefice: And from and after the complete erection, or the purchase of a new house and offices, to the satisfaction of the bishop of the diocese, such old house and offices shall from thenceforth be used for and converted to the purposes aforesaid; and the house and offices to be so erected or purchased, shall from thenceforth to all intents and purposes, be deemed and taken to be the residence-house of and for such benefice, without the

necessity of obtaining any licence or faculty for that purpose.

Under the act 43 G. 3. c. 108., all persons seised or possessed of property in their own right, (with the exception of infants, persons of non-sane memory, and married women, without their husbands) are enabled, by the means there pointed out, to give and grant to, and vest in any person or persons, or body politic or corporate, and their heirs and successors respectively, lands or tenements to the extent of five acres, or goods and chattels to the value of £500, for or towards the erecting, re-building, repairing, purchasing or providing of a mansion-house for the residence of the minister officiating, or to officiate, in any church or chapel where the Liturgy and rites of the United Church of England and Ireland are or shall be used; or of any out-buildings, offices, or glebe for the same: And power is thereby given to the person or persons, bodies politic or corporate, and their heirs and successors respectively, to purchase, receive and take, hold and enjoy, for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same, *as from all other persons as shall be willing to sell or alien* to such person or persons, bodies politic or corporate, any lands or tenements, goods or chattels, without any licence or writ of *ad quod damnum*.

Lands and tenements, to the extent of 5 acres, may be purchased for providing house of residence.

Although this act contains no express power authorising persons *to sell* lands or tenements, yet, as it authorises incumbents to accept lands and tenements for the purposes mentioned in the act, from all persons who shall be willing to sell and alien the same, it is apprehended that purchases of lands and tenements, for the purpose of providing residence-houses, may be effected under the act, from all persons not under legal disability.

By sect. 6. of the act 55 G. 3. c. 147., power is given to the parson, vicar, or other incumbent of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, (the

Incumbents whose glebe does

not exceed
5 acres,
may purchase lands
to the
extent of
20 acres.

existing glebe whereof does not exceed five statute acres), with the consent of the patron and bishop, to purchase any lands, not exceeding in the whole twenty acres, with the necessary out-buildings thereon, whether within the local limits of the living or not, but so that the same be situate conveniently for building a parsonage or a glebe-house, and out-buildings, and for gardens and glebe thereof, or for any of those purposes; and for actual residence and occupation by the incumbent; such land being of freehold tenure, or copyhold of inheritance, or for life or lives holden of any manor or lordship belonging to the living: and it is provided, That such lands shall for ever, from and after the conveyance thereof, be annexed to, and become glebe of the living; and any such lands, which before the annexation thereof were of copyhold tenure, thereupon become freehold.

Mode of
raising the
purchase-
money.

As a means of raising the purchase-money for any such lands, the incumbent is authorised, with the consent of the patron and bishop, to borrow, upon the terms of Gilbert's Acts, such a sum of money, over and besides the money authorised to be borrowed by those acts, as may be certified by a valuation upon oath of some skilful surveyor, to be the true value of the lands at the time of the purchase, not exceeding two years' clear income of the living.

Monies
arising by
sale of
timber,
may be
applied
towards
purchase-
money.

Note. — The act 56 Geo. 3. c. 52. enables the incumbent, with consent of patron and bishop, to apply the monies arising by the sale of any timber cut and sold from the glebe-lands of his living, or from any other land, the timber whereof belongs to the living, for or towards the purchase-money of any house, out-buildings, yards, gardens, and appurtenances by the said act of the 55th Geo. 3. authorised to be purchased.

Section 12. authorises all persons tenants in fee-simple, and all corporations sole and aggregate, and all persons whatever under legal disabilities, to sell and convey to the incumbent any lands not exceeding in the whole *twenty acres*, with the necessary out-buildings thereon, for such sum or sums of money as shall be certified to be the true value thereof at the time of the sale, by a valuation on oath of some competent surveyor, to be approved of by the patron, bishop, and incumbent.

Power to owners to sell lands to the extent of 20 acres.

But the succeeding section limits the quantity of land to be sold by incapacitated persons to *five acres*.

Quantity limited to 5 acres, in case of incapacitated persons.

The powers of these acts were defective, inasmuch as though they enabled incumbents to purchase houses, buildings, and land, yet no power was given to incapacitated persons to sell any thing but land: the act 7 Geo. 4. c. 66. was therefore passed, by which all persons seised in fee-simple, and all corporations and other owners under legal disabilities, of any messuages, buildings or lands which might be purchased under the authority of the acts 17 Geo. 3. c. 53., and 55 Geo. 3. c. 147., are enabled to sell such premises for the purposes of those acts, or either of them: and it is provided, That all messuages, buildings, and lands, which shall be purchased under the authority of that act, or of the acts of the 17th and 55th Geo. 3., shall be conveyed to the incumbent, and from and after the conveyance shall become annexed for ever to the living.

Sale by corporations and persons under legal disabilities, of messuages, &c.

Premises purchased to be conveyed to the incumbent.

The act 58 Geo. 3. c. 45. contains various provisions for the conveyance to the church-building commissioners by bodies politic, and other persons, of lands for the sites of additional churches and chapels; and by the act 1 & 2 Victoria, c. 107. sect. 9., all the powers given by the above act, for enabling bodies politic, and persons therein mentioned, to convey, and the commissioners to take, land for the sites of churches and chapels, are extended to the transfer, by sale or exchange only, of land for a site of a house of residence of

Lands may be sold to church-building commissioners for sites of parsonage houses.

any incumbent, provided the same do not exceed five acres.

Land may be bought with monies arising from sale of sites to the commissioners.

Incumbents may borrow money for the purchase of a house of residence, and of a site.

House of residence, &c. may, in certain cases, be sold; the money to be paid to Q. A. B.

Money to be applied by the governors in the erection or purchase of some other house and premises.

Land may also be purchased under these acts, with the monies arising from the sale to the commissioners, by corporations, of lands for the sites of churches and chapels, and residence-houses.

By the first section of the act 1 Victoria, c. 23.*, incumbents may borrow, for the purposes of the act 17 G. 3. c. 53. (one of which purposes is, as has been shewn, *the purchase* of a house and buildings for residence), and also for the purpose of buying or procuring, if necessary, a proper site for a house and other necessary buildings, any sum, not exceeding three years' net income of their benefice, upon the terms which the act specifies. These terms have already been explained, at page 101 of this work.

The 7th and 8th sections authorise† the sale, in certain cases, of the residence-house and premises belonging to a benefice, and land contiguous to the extent of twelve acres; and direct the money arising by such sale to be paid to the governors of Queen Anne's Bounty.

These monies are, by the 9th section, to be applied by the governors in or towards the erection or purchase of some other house and offices, or the purchase of an orchard, garden, and appurtenances, or land for the site of a house, any or either of them, together with land contiguous thereto, not exceeding 12 acres, suitable for the residence and occupation of the incumbent, and approved of by the ordinary and patron; and such

* Amended by the act 1 & 2 Victoria, c. 29., by supplying the omission of the word "twelve" in sect. 7.

† By the 25th sect. of the act 1 & 2 Victoria, c. 106., this, and the succeeding provision in regard to the application of the purchase-monies, are made applicable to the case of benefices disunited under the provisions of that act, and of benefices divided or separately endowed, under the church building acts. See the section at p. cxiii. of the Appendix.

house shall from thenceforth be deemed the house of residence of the living for all purposes whatsoever.

Section 14. provides, That in the case of a purchase according to the directions of the 9th section, the several powers and provisions of the act 7 Geo. 4. ch. 66. shall be extended to the act for the purposes of such purchase: these powers have already been stated under the present title, page 115: And the effect of the extension of them to purchases to be made under this act is, to authorise all corporations and persons under legal disabilities to convey to the incumbent of the living any house and offices or other premises which the governors of Queen Anne's Bounty may think fit under the 9th section to purchase; and to render it necessary, that in all cases of sale by corporations and persons under legal disabilities, a map and valuation on oath of the premises sold shall be made by a competent surveyor, and annexed to, and preserved with the conveyance.

The 70th section of the act 1 & 2 Victoria, ch. 106. provides, That where new buildings are necessary to be provided for a benefice, exceeding in value £100 per annum, and avoided after the passing of the act (14th August 1838), and where such new buildings cannot be conveniently erected on the glebe, the bishop may contract, or may authorise the nominee appointed by him under the act to contract, for the absolute purchase of any house or buildings in a situation convenient for the residence of the incumbent, and for the purchase of land adjoining to such house or building, or to contract for land for the site of such house; and he is authorised to raise the purchase-money for any of these purposes by a mortgage of the profits of the living to the extent of four years' net income.

The buildings and land so to be purchased are to be conveyed to the patron, and his heirs or successors, in trust for the incumbent, by a deed of which the form is given in the second schedule to the act.

In case of a purchase the provisions of the act 7G.4. c. 66. to apply.

The bishop may in certain cases purchase house and land for residence, or land for the site of a house, and raise the purchase-money by a mortgage of the living.

Conveyance of purchased premises.

Governors of Q. A. B. may apply appropriated money in the purchase of a house, &c., for residence.

By sect. 3. of the act 43 Geo. 3. c. 107., where a living shall have been or shall be augmented by the governors of Queen Anne's Bounty either by lot or benefaction, and there is no parsonage-house suitable for the residence of the minister, the governors are empowered to apply and dispose of the money appropriated for such augmentation and remaining in their hands, or any part thereof, in such manner as they shall deem most adviseable, in or towards the building, re-building, or *purchasing* a house and other proper erections within the parish, convenient and suitable for the residence of the minister thereof; which house is for ever thereafter to be deemed the parsonage-house appertaining to the living.

Corporations and persons under legal disabilities may sell.

By the act 7 Geo. 4. ch. 66., the above power is made more effective by authorising corporations sole and aggregate, and all persons under legal disabilities or otherwise incapacitated, being owners of any messuages, buildings, or lands, which might be purchased under the authority of the act 43 Geo. 3. ch. 107, to sell such messuages, buildings, and lands, or any of them, for the purposes of the said act, and to convey the same unto and to the use of the parson, vicar, or other incumbent of the benefice, curacy, or chapelry, for the residence and occupation of the parson, vicar, or other incumbent whereof the same shall be purchased; which premises it is provided shall, from and after the conveyance thereof, become annexed to the living for ever.

Note. — In the case of a purchase under the act 55 Geo. 3. c. 147. all the same preliminary forms must be observed as are required by the act to be observed in the case of an exchange. [*See Instructions as to Exchanges*, p. 128 of *this work*]. If an incumbent proposes to purchase a house under the powers of the above acts 43 Geo. 3. ch. 107., and 7 Geo. 4. ch. 66., with

money appropriated by the governors of Queen Anne's Bounty to the augmentation of his living, it will be necessary for him to make application to their secretary, and to name three beneficed clergymen of the diocese, and three laymen of respectability, to be commissioners in a commission of inquiry as to the eligibility of such intended purchase. Purchases to be made of lands under the several acts of parliament relating to Queen Anne's Bounty, with monies appropriated to the augmentation of livings, must be made according to the rules of the governors; information concerning which will be given on application to their secretary. Purchases to be made with funds arising from sales of glebe under particular acts of parliament for public improvements and so forth, must be made according to the provisions of such acts.

2. BENEFACTION.

By the act 43 Geo. 3. ch. 107., the powers of the act 2 & 3 Ann. ch. 11., in regard to the giving of property for the augmentation of the maintenance of the poor clergy, which powers had been destroyed by the Mortmain Act (9 Geo. 2. ch. 36.), are restored; and by it, all persons, with the exception of infants, persons of non-sane memory, and married women without their husbands, are enabled by deed inrolled, or by will, to grant to the governors of Queen Anne's Bounty, any lands, tenements, hereditaments, or any property of or in any goods or chattels which they may have in their own right, for or towards the augmentation of the maintenance of ministers officiating in churches or chapels

Powers
of act
2 & 3 Anne,
c. 11., in
regard to
giving of
property
for aug-
mentations.

where the Liturgy and rites of the Church of England are observed.

Grant of waste lands convenient to a living.

By the 21st section of the act 17 Geo. 3. ch. 53., power is given to archbishops and bishops, and to all ecclesiastical corporations, sole or aggregate, being lords of manors within which there may be any waste or common lands, parcel of the demesnes of such manors convenient for the purpose, to grant in perpetuity a part of such waste or common land as a convenience for any house and buildings belonging to a living having no glebe lying near or convenient to the same, or for a house and buildings to be purchased or exchanged under the provisions of the act.

But as it is not expressed to whom the grant is to be made, and no power is given to the incumbent to accept any such grant, it is doubtful whether this power can be made available.

Lands and tenements to the extent of 5 acres, and goods and chattels to the amount of 500*l.*, may be given for providing house of residence.

Under the act 43 Geo. 3. ch. 108., all persons having in their own right any estate or interest in possession, reversion, or contingency, in any lands or tenements, or any property of or in any goods or chattels, are enabled by deed inrolled, or by their last will and testament, to be executed respectively three calendar months at least before the death of the grantor or testator, to give, and grant to, and vest in any person or persons, or body politic or corporate, and their heirs and successors respectively, all such their estate, interest, or property in such lands or tenements, not exceeding five acres, or goods and chattels, not exceeding in value £500, for or towards the erecting, re-building, repairing, purchasing, or providing of a mansion-house for the residence of the minister officiating, or to officiate, in any church or chapel where the Liturgy and rites of the United Church of England and Ireland are or shall be used, or of any out-buildings, offices, or glebe for the same, and to be for those purposes applied according to the will of such benefactor, in and by such deed or will expressed, the consent and

approbation of the ordinary being first obtained ; and in default of such direction, in such manner as shall be directed by the patron and ordinary, with the consent and approbation of the parson, vicar, or other incumbent. And power is thereby given to such person or persons, bodies politic or corporate, and their heirs and successors respectively, to purchase and accept the lands or tenements, goods or chattels, so given.

This power of alienation is declared not to extend to infants, persons of non-sane memory, or to married women without their husbands.

Power not to extend to infants &c.

And no one person is allowed to make more than one gift or devise.

Only one gift allowed.

If any such gift or devise shall exceed five acres in land, or the value of £500 in goods and chattels, the gift shall be good to that extent only.

No glebe, containing upwards of fifty acres, is allowed to be augmented with more than one acre.

Limitation.

By this act also, power is given to bodies politic or corporate, sole or aggregate, by deed inrolled with or without confirmation, as the law may require, to give and grant, either by way of exchange or benefaction, to any person or persons, body politic or corporate, their heirs and successors respectively (who are likewise enabled, with the consent of the incumbent, patron, and ordinary, to accept thereof) any small plot of land, held in mortmain, not exceeding one acre, that may lie convenient to be annexed to some such house of residence as above mentioned, or to be employed as the site of some such house of residence, and for the necessary and commodious use and enjoyment thereof.

Lands in mortmain, to the extent of 1 acre, may be given for a site for a house of residence, or for the convenient occupation thereof.

By the act 51 Geo. 3. ch. 115., the powers of the 43d Geo. 3. ch. 108. are extended to the crown, which is thereby enabled to give land, for the purposes of that act, to the extent of five acres.

The crown may give land.

And by sect. 2. all persons, and bodies politic and corporate, are enabled, by deed inrolled, to grant to the

Corporations may give waste

lands to the extent of 5 acres for building a house of residence.

rector, vicar, or other minister of any parish church, and his successors, or to the curate or minister of any chapel for the service of the United Church of England and Ireland, and his successors, any lands not exceeding in the whole five statute acres, parcel of the waste of any manor of which they may be seised in fee, and lying within the parish or extra-parochial district of the church or chapel for the benefit of the incumbent or minister whereof the grant is made, for a glebe for such incumbent or minister to erect a mansion-house or other buildings thereon, or to make other conveniences for his residence.

Where no house of residence, or where the same is inconvenient, premises may be given to the incumbent with consent of patron and ordinary.

By the 5th section of the act 55 Geo. 3. ch. 147., in cases where there is no existing parsonage or glebe-house in any ecclesiastical benefice, perpetual curacy, or parochial chapelry, or where the existing parsonage or glebe-house, or the out-buildings thereof, are inconvenient, and too small, or incommodiously situate, power is given to owners in fee-simple, (with the exception of infants, lunatics, and *femes covert* without their husbands) and to corporations sole and aggregate, with the consent of the incumbent, patron, and bishop, to give, grant, and convey to the incumbent, who is also enabled to accept the same, any messuage, out-buildings, yard, garden, orchard, and croft, or any of them, with their appurtenances, or any right of way, or other easement, whether lying within the local limits of such benefice, curacy, or chapelry, or not, but so as that the same be conveniently situate for actual residence or occupation by the incumbent thereof: and which premises it is provided shall for ever from and after the conveyance thereof, become annexed to and be deemed the parsonage or glebe-house and premises of such benefice, curacy, or chapelry: and after any such grant and annexation, power is given to the incumbent, with the consent of the patron and bishop, to take down and remove any parsonage or glebe-house, and out-buildings, which before

Which upon the conveyance thereof, become the glebe premises. And thereupon the old parsonage house may

such annexation belonged to the benefice, unless they can be better applied to the permanent advantage of the living; and to apply the materials, or the produce of them, towards some lasting improvement of the living.

be taken down.

Under the 33d section of the act 58 Geo. 3. ch. 45., the commissioners for building new churches may accept and take from any person willing to give the same, any house, garden, and appurtenances, not exceeding ten acres in the whole, for the residence of the spiritual person serving any church or chapel *which shall be erected under the provisions of the act*, or any land, not exceeding ten acres in quantity, for erecting such house and appurtenances, and making such garden; and the same shall immediately, upon or after the consecration of such church or chapel, become and be the house and glebe belonging to such church or chapel, and shall vest in the incumbent for the time being as such.

Commissioners for building new churches may accept house and premises for the residence of the minister of a new church, or may accept land for erecting a house.

By the 34th section, power is given to the commissioners of woods and forests, with certain consents there specified, and to the crown, by means of the chancellors of the duchies of Lancaster and Cornwall, and to bodies politic, corporate, or collegiate, and corporations aggregate or sole, to grant any house or appurtenances, and garden, for the residence of such spiritual person.

Commissioners of woods and forests, &c. may grant house, &c. for residence.

And by the 20th section of the act 59 Geo. 3. ch. 134., the same parties may give and grant any stone, slate, or timber, or other materials from any quarries, forests, or wastes belonging to the King or the Duke of Cornwall, or any such body respectively, for or towards the building of any house or appurtenances and garden for the residence of such spiritual person.

The same parties may give materials towards building such house.

The 1st section of the act 3 Geo. 4. ch. 72. enables the Master-general and principal officers of the Ordnance, also the Comptroller of the barrack department, also the principal officers of any other public department having or holding any messuages or build-

The principal officers of public departments, corporations, &c.

may give messuages, &c. for residences for ecclesiastical persons.

ings, or any lands, grounds, tenements, or hereditaments for the public use of any such department, by means of such conveyances as are there pointed out; and also enables bodies politic, corporate and collegiate, and corporations aggregate and sole, and the trustees, guardians, commissioners, or other persons having the control, care, or management of any hospital, schools, charitable foundations, or other public institutions, to give, grant, and convey, without any valuable consideration, any messuages, buildings, lands, grounds, tenements, or hereditaments respectively (including those of copyhold tenure, if the lord be willing to enfranchise), to be used for parsonages or residences for ecclesiastical persons: all which gifts, grants, and conveyances, are to be made to the commissioners, or to such person or persons as shall be specified by them.

Grants to be made to the commissioners, or their nominee.

Incumbents may in certain cases annex lands to their livings.

By section 4. of the act 55 Geo. 3. ch. 147., the incumbent of any ecclesiastical benefice, perpetual curacy, or parochial chapelry of or to which any manor or lordship is parcel or appurtenant, and as parcel of or belonging to which manor or lordship any lands or tenements are or have been usually granted or demised, or grantable or demisable by copy of court-roll for lives, or years determinable on lives, may, with the consent of the patron and bishop, annex to his living, as and for glebe-land, or parsonage, or glebe-house, or houses and buildings thereof, all or any part or parts of such lands or tenements, whether lying within the local limits of his living or not; which lands and tenements shall thereupon become glebe-lands and parsonage or glebe-house or houses of the living for ever.

Ecclesiastical corporations, &c. may annex lands, &c.

By the 12th section of the act 1 & 2 Wm. 4. ch. 45., power is given to any archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, or other ecclesiastical corporation or person or persons, or the master and

fellows of any college, or the master or guardian of any hospital, being in his or their corporate capacity the owner or owners of any lands, tenements, or other hereditaments, and the patron or patrons of any church or chapel, to annex such lands, tenements, or hereditaments unto such church or chapel in perpetuity; and by the 11th section, ecclesiastical corporations, colleges, &c., owners of impropriate rectories, may annex any lands, parcel thereof, to any church or chapel within the parish in which the rectory lies.

to churches in their patronage.

But these powers only apply to livings under £300 per annum, and they must not, by the augmentation, be raised beyond that amount.

Limitation of power.

3. EXCHANGE.

The 11th section of the act 17 G. 3. ch. 53. provides, That when any land lying near to the parsonage-house and buildings belonging to an ecclesiastical living, parochial benefice, chapelry, or perpetual curacy, or to the house and buildings to be purchased or exchanged under the powers of the act, shall be thought fit to be taken and used as a convenience to the same, *the purchase-money or equivalent for such land shall be raised by sale or exchange* of some part of the glebe or tithes of such living or benefice which shall appear to the ordinary, patron, and incumbent most convenient for that purpose: and the schedule to the act contains the form of the deed to be used in such a case.

Part of the glebe or tithes of a living may be given in exchange for land.

By the 4th section of the act 43 G. 3. ch. 108., power is given to bodies politic or corporate, sole or aggregate, by deed inrolled with or without confirmation, as the law may require, to give and grant *either by way of exchange or benefaction* to any person or persons, bodies politic or corporate, their heirs and successors, (who are likewise enabled, with the consent of the incumbent, patron, and ordinary, to accept thereof) any small

Land held in mortmain may be given in exchange for glebe.

plot of land held in mortmain, not exceeding one acre, that may lie convenient to be annexed to the house of residence of any minister officiating in any church or chapel where the Liturgy and rites of the United Church of England and Ireland are performed, or convenient to be employed as the site of some such house of residence, and for the necessary and commodious use and enjoyment thereof.

Incumbents may exchange glebe-house and lands for other premises of greater value or more convenient for residence.

By the acts 55 Geo. 3. ch. 147., 56 Geo. 3. ch. 52., 1 Geo. 4. ch. 6., 6 Geo. 4. ch. 8., power is given to the parson, vicar, or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, with the consent of the patron and bishop of the diocese, to convey to any person or persons, or to any corporation sole or aggregate, and their successors, the parsonage or glebe-house, and the out-buildings, yards, gardens, and appurtenances thereof, and the glebe-lands, and any pastures, feedings or rights of common or way, or any of them, belonging to such benefice, perpetual curacy, or parochial chapelry, in exchange for any house, out-buildings, yards, gardens, and appurtenances, and any lands, or any or either of them, whether lying within the local limits of the living or not; but so as that the same be situate conveniently for actual residence or occupation by the incumbent thereof, the same also being of greater value or more conveniently situated than the premises so to be given in exchange, and being of freehold tenure, or being copyhold of inheritance, or for life or lives (the consent of the lord of the manor to any such exchange being first obtained): and it is provided, That the premises so accepted in exchange shall for ever, from and after the conveyance thereof, be the parsonage and glebe-house and glebe-lands and premises of the living, and shall become annexed thereto for ever; and that such premises, if previously of copyhold tenure, shall, upon the annexation thereof, become freehold.

The restriction contained in the first of these acts, in regard to the quantity of land to be conveyed in exchange, is removed by the 6 Geo. 4. ch. 8., which authorises the exchange of any quantity.

Any quantity of land may be exchanged.

The 1st and 12th sections of the act 55 Geo. 3. contain all necessary powers authorising incumbents to accept, and corporations and persons under legal disabilities to convey in exchange.

Powers to accept a convey.

The act 56 Geo. 3. ch. 52. enables the incumbent, with the consent of patron and bishop, to apply the monies arising by sale of any timber cut and sold from the glebe-lands of his living, or from any other land the timber whereof belongs to the living, for or towards equality of exchange.

Monies arising from sale of timber may be applied towards equality of exchange.

See Instructions for effecting Exchanges under these Acts, p. 128.

As to the Exchange of Houses and Lands belonging to a Living augmented by Queen Anne's Bounty.

By the 13th section of the act 1 Geo. 1. ch. 10. authority is given, with the concurrence of the governors of Queen Anne's Bounty, and of the incumbent, patron, and ordinary of any augmented living or cure, for the exchange of all or any part of the estate settled for the augmentation thereof, for any other estate in lands or tithes of equal or greater value, to be conveyed to the same uses.

Exchanges may be made of property purchased by Queen Anne's Bounty.

The 2d section of the act 43 G. 3. ch. 107. extends the above power to all the messuages, buildings and lands belonging to every such augmented living or cure.

All the lands of an augmented living may be exchanged.

Application to be made for instructions to the secretary to the governors.

INSTRUCTIONS to effect Exchanges of Glebe Houses or Glebe Lands, pursuant to the Acts 55 Geo. III. c. 147.; 56 Geo. III. c. 52.; 1 Geo. IV. c. 6.; 6 Geo. IV. c. 8.

Appoint-
ment of a
surveyor.

It is recommended, that before any other steps are taken towards effecting an exchange, the intentions of the parties about to exchange be made known by the incumbent to the bishop and patron, and their consent in writing obtained for the employment of some particular person as surveyor (as the act directs that the surveyor is to be approved by them) to make the survey, plan, and valuation;—and that application be made to the senior judge, named in the last commission of Nisi Prius for the county, for his approval of a barrister to be named in the commission of inquiry to be issued by the bishop.

Applica-
tion to the
senior
judge to
approve a
barrister.

FORM of Approbation of Surveyor.

Form of
appoint-
ment of
surveyor.

We whose names are hereunto subscribed, being the ordinary, patron, and incumbent of the — of —, in the county of —, and diocese of —, do hereby signify our approbation to the appointment of — of — to survey and value the lands proposed to be exchanged between — and —. Dated the — day of —.

As to land
to be ex-
changed for
glebe.

The house, land, &c., to be taken in exchange for the parsonage-house or glebe-land, to be convenient for occupation of the incumbent, and to be of greater value, or more conveniently situate, than the glebe-house or land. 55 Geo. 3. ch. 147. sect. 1.

No limit
as to quan-
tity of
glebe.

No limit as to quantity of glebe land to be exchanged, 6 Geo. 4. ch. 8. sect. 4.

As to ex-
changes
with per-

In cases of exchange with persons having a less interest than in fee-simple, or with minors, and other persons under legal disability, the parsonage house or

glebe lands to be given in exchange to them to be of equal value with, or not of less value than, the hereditaments to be given in exchange by such minors, &c.; 55 G. 3. ch. 147. sect. 1.

sons under legal disability.

Copyhold lands of inheritance, with consent of lord of the manor, may be exchanged for glebe, and thereupon become freehold, and the glebe become copyhold; 6 G. 4. ch. 8. sect. 3.

Glebe may be exchanged for copyhold.

The produce of sale of timber cut from the glebe may be applied towards equality of exchange, or in purchases; 56 G. 3. ch. 52. sect. 1.

Timber.

Consent of patron and bishop to be signified, by their executing deeds of exchange, before execution thereof by the incumbent, in the presence of two credible witnesses, who are to attest that the deeds were so executed by patron and bishop before the execution thereof by the incumbent; 55 G. 3. ch. 147. sect. 10.

Deeds how to be executed and attested.

Three calendar months' notice of exchange, previous to the execution of the deeds, to be advertised three successive weeks in some one and the same newspaper in general circulation in each county where the premises or any part thereof are situate, and also by affixing such notice in writing on the church-door of each parish wherein the premises given or taken in exchange, or any part thereof, are situate, and shortly before commencement of service, on three successive Sundays; 55 G. 3. ch. 147. sect. 14., and 6 G. 4. ch. 8. sect. 3.

Notice of exchange.

The notice so to be advertised and published is to describe specially the particulars, extent, and situation of the premises to be given and taken in exchange; and no alteration can be made after the notices have been advertised and published.

Too much care cannot be taken in drawing up the notice, and in advertising it in the newspapers, and in publishing it on the church-door, according to the 14th section of the act, and in keeping proof of such advertisements and publication of notice.

FORM of Notice.

Form of
Notice.

NOTICE is hereby given, pursuant to the acts of parliament in this case made and provided, that the Reverend A. B., rector (*or vicar, as the case may be,*) of the — of —, in the county of —, and within the diocese of —, and C. D., of — in the county of —, gentleman, intend to make an exchange as follows; (*that is to say,*) the said A. B. intends to convey to the said C. D. all, &c. [*here describe very specially the particulars, extent, and situation of the church property to be given in exchange,*] in exchange for all, &c. [*here in like manner describe the property belonging to C. D. to be received by A. B. in exchange.*] Given under our hands this — day of —, in the year of our Lord 18—.

A. B., rector or vicar of, &c.

C. D.

Witness E. F., of, &c.

Map and
valuation,

It is required that a map or maps under an actual survey on oath (which oath a justice of the peace is to administer) shall be prepared by some competent surveyor to be approved of by the patron, bishop and incumbent, *of the whole of the glebe lands, or of such parts thereof as will sufficiently enable the bishop to judge of the convenience and expediency of the proposed exchange,* and also *of the glebe or parsonage house, buildings and premises, any part of which it is proposed to exchange, as well as of the lands, house, buildings, and premises proposed to be taken in exchange;* and that the same surveyor shall in like manner make a valuation on oath, as well of the said glebe lands or parsonage house, buildings, and premises to be given in exchange, as of the lands, house, buildings, and premises intended to be taken in exchange: and that every such valuation shall include and distinctly specify the *value of all timber and*

Valuation
of timber,

other trees growing thereon, and of *the rights of common*, and of all *mines, minerals, and quarries* (if any), and of *all other rights, profits, and advantages* whatsoever (if any) to the said premises or either of them, or any part or parcel of the same respectively, belonging ; 55 G. 3. ch. 147. s. 15.

common
rights,
mines. &c.

As the plan, valuation, and affidavit of the surveyor form the foundation of the exchange, the greatest attention should be paid to ensure their accuracy, and that they may be prepared in such a manner as to comply with the 15th section of the act of the 55 Geo. 3.; and they must state particulars as to timber, rights of common, mines, &c. ; and the plan must not only show the lands proposed to be exchanged, but also the situation of the parsonage house and the glebe lands (if any) contiguous to those to be given and taken in exchange, the better to enable the bishop to judge of the fitness of the measure.

Directions
to surveyor.

FORM of Surveyor's Affidavit (*to be sworn before a Justice of the Peace.*)

A. B., of —— in the county of ——, the surveyor approved of by the bishop of ——, and the patron and incumbent of the —— of ——, in the county of ——, and diocese of ——, maketh oath and saith, that he has been for a considerable time employed in the business of surveyor of houses, lands, and timber, and that he did in the month of —— last actually survey and value the [*here describe generally the premises respectively to be given and received in exchange*] specified in the annexed survey and valuation, marked A., and delineated and described in the map also hereunto annexed, marked B. respectively ; and he did also survey the glebe lands which are marked on the said map as not intended to be exchanged ; and that the said survey and valuation, and also the said map, were made and drawn by this deponent, and are in the judgment of this deponent correct and true : And this deponent further saith, that the said survey and valuation

Surveyor's
affidavit.

include and distinctly specify the particulars and value of all timber and other trees growing on the respective premises to be given and received in exchange, and of the rights of common, and of all mines, minerals and quarries [if any; if there are none such, it should be so stated;] and of all other rights, profits, and advantages whatsoever [if there are any; if none, to be so stated;] to the said premises, or either of them, to be so exchanged, or any part or parcel of the same, respectively belonging.

A. B.

Sworn at —, in the county of
 —, this — day of — 18—.
 Before me,
 C. D., justice of the peace for
 the county of —.

The justice of the peace who administers the oath is to write on the survey and valuation, "This is the survey and valuation marked A., [and on the map, this is the map marked B.] referred to in the affidavit of — hereunto annexed;" and to sign his name to both.

Petition
 and docu-
 ments to be
 transmitted
 to the
 bishop.

The parties intending to exchange are to transmit a petition to the bishop, (with the judge's approval of a barrister, and the surveyor's affidavit, survey, map, and valuation annexed), stating the particular circumstances of the case with care and accuracy, and praying for a commission of inquiry to be issued to six persons, naming and describing them, for the approbation of the bishop, of whom at least three are to be beneficed clergymen resident in the neighbourhood, and one of such six persons to be a barrister of at least three years' standing, approved of by the senior judge in the last commission of Nisi Prius for the county; and to transmit with such petition the newspapers in which the notice has been three times successively published, and a copy

of the notice, with the certificate thereon of the churchwardens of the parish, of the notice having been affixed on three successive Sundays, before divine service, on the church-door, and an abstract of the title to the premises to be granted in exchange to the incumbent, and a statement of incumbrances affecting the same.

FORM of Petition that a Commission may be issued.

To the Right Reverend —, Lord Bishop
of —.

The humble Petition of the Reverend A. B., Form of
petition.
Rector [*or Vicar, as the case may be,*] of the
Rectory of —, in the county of —, and
Your Lordship's diocese, and of C. D., of
—, in the county of —, gentleman;

SHEWETH,

That your petitioners are desirous of availing themselves of the powers of the several acts of parliament authorising the exchange of parsonage or glebe houses or glebe lands, to effect an exchange in the manner following:

That the said A. B., as rector as aforesaid, being possessed of* [*here introduce an exact description of the glebe land to be given in exchange,*] proposes to exchange the same with the said C. D. for certain lands [*or house, &c. as the case may be*] of which the said C. D. is possessed in fee-simple [*or otherwise, as the case may be*], of greater value than the premises to be given in exchange [*or more conveniently situate, as the case may be,*] by the said A. B.; and which said premises of the said C. D., so to be taken by the said A. B. in exchange, may be thus

* To avoid confusion, the petition may refer to two schedules to be under written, one containing a description of the glebe land to be given in exchange, and the other containing a description of the land to be received in exchange.

described* [*here introduce a description of the premises to be given in exchange by the said C. D.*]

That in order to enable your Lordship to judge of the convenience and expediency of the said proposed exchange, your petitioners pray your Lordship to issue a commission, to be directed, if it shall be your Lordship's pleasure, to the Reverend E. F., rector of —, the Reverend G. H., rector of —, and the Reverend I. K., rector of —, all in the county of — [*if the fact is so*], and in your Lordship's diocese, and all actually resident in the neighbourhood of the said rectory of —; and to L. M. of —, in the county of —, a barrister at law of three years' standing and upwards, and to N. O. of —, in the county of —, Esquire, and to P. Q. of —, in the county of —, Esquire, or to some other fit and proper persons to be appointed by your Lordship in preference to those above proposed, or any or either of them, thereby authorizing and empowering them to inspect and examine all the glebe lands belonging to the said rectory, and the premises to be respectively exchanged, with the map and valuation of the same premises hereunto annexed before them.

And your petitioners will ever pray, &c.

A. B., rector of, &c.

C. D.

On receipt of the petition, with the several documents annexed, the bishop will, if the proposed measure appears *primâ facie* to be fit to be carried into execution, issue a commission addressed to the persons named in the petition (or to some other persons whom he may prefer); *and the return to such commission is to be made and signed by a majority of the persons therein named, after an actual inspection by them of all the*

Commis-
sion of
inquiry.

* If the incumbent proposes to give property of his own in exchange for glebe, the petition and notice must be varied accordingly.

premises with the map and valuation before them, and not otherwise, *and three at least of the persons making and signing the same shall be either three beneficed clergymen named in the commission, or two at least of such beneficed clergymen together with the barrister named in the commission.* 55 Geo. 3. ch. 147. sect. 16.

THE following is proposed as a Form of the Return to be made by the commissioners :

To the Right Reverend —, Lord Bishop
of —.

WE, the undersigned, being a majority of the commissioners within named, and such as are required by law to make a return to the within commission, having in pursuance of the within-written commission actually examined, inspected, and made inquiry as to the respective hereditaments proposed to be given and received in exchange, with the map and valuation thereof before us, do hereby certify Your Lordship, That the proposed exchange is in our judgment fit and proper to be made, and will promote the permanent advantage [*or convenience, or both, as the case may be,*] of the within-mentioned —, of —, and his successors in the same. In witness whereof we have hereunto subscribed our names, this — day of —, in the year of our Lord one thousand eight hundred and —.

[*To be signed by such commissioners as above directed.*]

It is advisable for each clergyman who shall avail himself of the powers of the said acts, to peruse the acts carefully, to ascertain if they require, in his own particular case, any thing further than is stated in these Instructions ; and that he may more fully make himself master of the subject.

Return to
commission
by such
commis-
sioners, as
required by
the act.

General
remarks.

As to surveyor's duty.

Also to recommend to the bishop and patron a very experienced and respectable surveyor to make the valuations, that there may be no reason for the bishop, when the valuation, &c. is laid before him, to object; and to instruct the surveyor so to be appointed to make the survey, &c. in the manner directed by the act, and to call his attention to the 15th section of act 55 G. 3. ch. 147.

As to title, &c.

Also to be careful not to enter into an exchange with a person whose estate is incumbered, or whose title to it is considered defective.

Expenses of exchanges.

Also to stipulate, if he can, that the expenses of the surveyor, and all law expenses, or at least a moiety thereof, be paid by the party with whom he exchanges, as such expenses will be considerable.

As to copyhold.

In case of an exchange of glebe for copyhold land of inheritance, the consent of the lord of the manor must be obtained. See sect. 3. act 6 G. 4. ch. 8.

As to the time of executing deeds of exchange;

The deeds of exchange must not be executed till after the expiration of three* calendar months from the time of the third notice being advertised and published; they are to be executed first by the patron and ordinary, and specially attested (55 G. 3. sect. 10.); and when executed by all parties, the directions contained in the 19th section of the said act, as to the deposit of one part of the deed, with the map, valuation, commission of inquiry, and return thereto, in the office of the registrar of the diocese, within twelve calendar months after the date of the deeds of exchange, and as to the registrar's certificate of such deposit, must be attended to.

registering the same and documents.

* 6 Geo. 4. ch. 8. sect. 3.

STATEMENT of the Means by which an Incumbent having no House of Residence, or an unfit one, may acquire a House and Offices with or without Land:— also of the Means by which Land may be acquired convenient to a House of Residence.

A house of residence, with proper offices, may be acquired by means of the acts 17 Geo. 3. ch. 53., and 21 Geo. 3. ch. 66. (commonly called Gilbert's Acts), which authorise an incumbent to borrow two years' income *to rebuild* or repair the house of residence belonging to his living; and by means of the act 1 Vict. ch. 23., which authorises the borrowing of three years' income for the like purposes.

A house and offices may be obtained by raising money on mortgage.

Note. — These powers of mortgaging, and the terms on which the money borrowed is to be repaid with interest, are fully explained at page 99. of this work.

Under the 17 G. 3. ch. 53., an incumbent may *by purchase* acquire a house and buildings, within the distance of one mile from his parish church, in cases where new buildings are necessary for his residence.

A house and buildings may be acquired by purchase.

Also *land* adjoining or convenient to such house and buildings.

Also land.

Also *land* adjoining or convenient to an existing house and buildings of a living having no glebe near or convenient thereto, to the extent of two acres for every £100 annual value of the living.

The purchase money for these purposes may be raised by a mortgage of the profits of the living to the extent of three years' income, upon the terms of the act 1 Vict. ch. 23.

Mode of raising the purchase money.

The purchase money *for the land* may also be raised by sale of some convenient part of the glebe or tithes.

House and land may be purchased with monies arising from the sale of the residence house.

A house and offices, and land to the extent of twelve acres, may also be acquired by means of the acts 1 Vict. ch. 23., and 1 & 2 Vict. ch. 29., under which a sale may be made, in certain cases, of the residence house and premises, and glebe not exceeding twelve acres adjoining, and the purchase money applied by the governors of Queen Anne's Bounty in the purchase of other premises.

Bishop may in certain cases purchase house and premises for a living.

By the 70th section of the act, 1 & 2 Vict. ch. 106., the bishop may, as to livings beyond the value of £100 per annum, to be avoided after the passing of the act, and where new buildings may be necessary, purchase a house and buildings, and land adjoining, and raise the purchase-money by a mortgage of the living to the extent of four years' income.

House and buildings may be purchased with appropriated money.

In the case of a living augmented by Queen Anne's Bounty, and having no house suitable for the residence of the minister, money appropriated to the living may be applied *in or towards the building, rebuilding, or purchasing a house, and other proper erections* within the parish, suitable for the residence of the minister thereof.

Note. — These powers are more particularly set forth at page 111. of this work, under the title "Purchase."

Land and personal property may be given towards providing house of residence.

Under the act 43 G. 3. ch. 108., land to the extent of five acres, or personal property to the amount of £500, *may be given* by persons seised or possessed in their own right, by means of a deed inrolled, or a will, executed respectively three calendar months before the death of the grantor or testator, for or towards the erecting, rebuilding, repairing, purchasing, or providing a mansion-house for the residence of the minister of any church or chapel where the Liturgy of the Church of England is used, or of any outbuildings, offices, or glebe

for the same; but no glebe containing upwards of fifty acres is allowed to be augmented with more than one acre.

And by the same act, corporations are enabled to give, *by way of benefaction* or exchange, any small plot of land held in mortmain, not exceeding one acre, that may lie convenient to be annexed to some such house of residence as above mentioned.

Small plots of land held in mortmain may be given to a living.

And by the 51st G. 3. ch. 15., *the crown may give* lands or tenements to the extent of five acres for the like purposes.

The crown may give lands or tenements.

Under this latter act also, waste lands of a manor, to the extent of five acres, lying within the parish or district of the church or chapel intended to be benefited, *may be granted* by the person or corporation seised of the manor, for a glebe for the incumbent or minister to erect a mansion-house or other building thereon, or to make other conveniences to his residence.

Waste land may be given.

Under the act 55 G. 3. ch. 147., in cases where there is no parsonage house on a living, or where the parsonage house and buildings are inconvenient or too small, or incommodiously situate, a messuage, outbuildings, yard, garden, orchard, and croft, or any of them, with their appurtenances, whether within the limits of the living or not, so that they are conveniently situate for residence, *may be given, granted, and conveyed* to the incumbent, and the premises so given, upon the conveyance thereof, become the parsonage house and premises of the living. And upon such grant being made, the old parsonage buildings may be removed, if thought proper, and the materials or produce of them, applied towards some lasting improvement of the living.

Messuage and premises may be given to a living.

And old parsonage premises may be removed.

Under the act 1 & 2 W. 4. ch. 45. ecclesiastical corporations, colleges, &c., owners of inappropriate rectories, may annex lands, parcel thereof, to any church or chapel within the parish in which the rectory lies: the same parties may also annex lands, tenements, or

Ecclesiastical corporations, colleges, &c. may annex lands, &c. to churches.

other hereditaments, to churches and chapels in their patronage.

House and lands for the residence of the minister of a new church may be given to the church building commissioners.

Under the acts 58 G. 3. ch. 45., 59 G. 3. ch. 134., and 3 G. 4. ch. 72., (*the church building acts*) the commissioners for building new churches are enabled to accept *as a gift* any house, garden, and appurtenances, not exceeding ten acres in the whole, for the residence of the spiritual person *serving any church or chapel built under those acts*; and the commissioners of woods and forests, and the crown, and corporations aggregate or sole, are authorised to grant any house, garden, and appurtenances for those purposes.

Public departments, &c. may give houses, &c. for the residence of ecclesiastical persons.

Under the act 3 G. 4. ch. 72., also, the principal officers of any public department, and all corporations and other parties in the act specified, are authorised to give, grant, and convey, by means of the commissioners, any messuages, buildings, lands, grounds, tenements, or hereditaments, for parsonages or residences *for ecclesiastical persons*.

Certain houses and lands may be annexed by incumbents to their livings. Lands, &c. may be given to governors of Q. A. B.

Under the act 55 G. 3. ch. 147., the incumbent of a living has the power of annexing thereto, as glebe land, or as parsonage or glebe house or houses and buildings, lands and tenements, parcel of a manor appendant to his living.

Houses and lands may also be acquired by benefaction by means of the act 43 G. 3. ch. 107.; under which, lands and tenements, and goods and chattels, may be given to the governors of Queen Anne's Bounty for the augmentation of the maintenance of the ministers officiating in churches or chapels where the Liturgy and rites of the Church of England are observed.

Note.— All these powers are particularly set forth at page 119., under the title "Benefaction."

Land may be acquired

Land lying near the house of residence of a living,

may be acquired by exchange, by means of the act 17 G. 3. ch. 53., sect. 11. by exchange.

Small plots of land, held in mortmain, lying convenient to be annexed to a house of residence, may be acquired under the 43 G. 3. ch. 108. sect. 4., by way of exchange. Also land held in mortmain.

Houses and lands may likewise be acquired by exchange by means of the acts 55 G. 3. ch. 147., 56 G. 3. ch. 52., 1 G. 4. ch. 6., and 6 G. 4. ch. 8.; under which the parsonage house, and the outbuildings, yards, gardens, and appurtenances, and the glebe lands of a living, may be conveyed by an incumbent in exchange for corresponding premises, situated conveniently for his residence; the premises so accepted in exchange being of greater value or more conveniently situated than those given. Also houses and lands.

Houses and lands may also be acquired by exchange by means of the acts 1 G. 1. ch. 10., and 43 G. 3. ch. 107., which authorise the exchange of all the messuages and lands belonging to a living augmented by Queen Anne's Bounty. Also houses and lands where a living is augmented.

Note. — These powers are particularly set forth at page 125., under the title “Exchange.”

STATEMENT of the Means by which a Site for a House of Residence and Offices may be acquired.

Lands to the extent of 20 acres, may be purchased for building parsonage house, &c.

UNDER the act 55 G. 3. ch. 147., an incumbent of a living, the existing glebe whereof does not exceed five acres, may purchase lands to the extent of twenty acres, whether within the local limits of the living or not, so that they be situate conveniently for building a parsonage or glebe house and outbuildings, or for gardens and glebe thereof, such land being freehold or copyhold of inheritance, or for lives holden of any manor or lordship belonging to the living.

Mode of raising purchase money.

The purchase money for these purposes may be raised by borrowing to the extent of three years' income of the living, upon the terms of the act 1 Vict. ch. 23.

Land and money may be given for providing house of residence.

A site may likewise be procured by means of the acts 43 G. 3. ch. 108., and 51 G. 3. ch. 115., under which, land to the extent of five acres, or personal property to the amount of £500, may be given for or towards the erecting, rebuilding, repairing, purchasing, or providing a mansion house for the residence of the minister of any church or chapel where the Liturgy of the Church of England is used, or of any outbuildings, offices, or glebe for the same.

Waste lands may be granted for erecting house of residence.

Under the latter act also waste lands of a manor to the extent of five acres, lying within the parish or district of the church or chapel intended to be benefited, may be granted by the person or corporation seised of the manor, for a glebe for the incumbent or minister to erect a mansion house or other buildings thereon, or to make other conveniences for his residence.

Sites may be procured by means of church building acts.

Sites may also be procured by means of the church-building acts.

By the 33rd section of the act 58 G. 3. ch. 45., the commissioners have power to accept land, not exceeding

ten acres, for erecting a house and appurtenances, and for a garden, for the residence of the spiritual person *servant any church or chapel which shall be erected under the provisions of the act.*

And the 3 G. 4. ch. 72. sect. 1. enables all public departments, and corporations, and other parties there mentioned, to convey to the commissioners, or to such persons as shall be specified by them, as a free gift, any lands or grounds for parsonages or residences *for ecclesiastical persons.*

The former act also contains various provisions for the conveyance to the commissioners by bodies politic and other persons, of lands for the sites of additional churches and chapels: and by the act 1 & 2 Vict. ch. 107. sect. 9., all such provisions are extended to the transfer, *by sale or exchange only*, of land for the site of a house of residence *of any incumbent*, provided the same do not exceed five acres.

A site may also be procured by means of the exchanging powers given by the acts 55 G. 3. ch. 147., 56 G. 3. ch. 52., 1 G. 4. ch. 6., and 6 G. 4. ch. 8.

Sites may also be procured by exchange.

A site may also be procured by means of the powers of exchange given by the acts 1 G. 1. ch. 10., and 43 G. 3. ch. 107.

A site may also be procured under the act 1 Vict. ch. 23.; the 9th section of which directs, that the governors of Queen Anne's Bounty shall apply the monies which shall have been paid to them under preceding sections of the act, in or towards (amongst other purposes) the purchase of land for the site of a house, with land contiguous thereto not exceeding twelve acres.

Sites may be bought with monies arising from sale of house of residence, &c.

A site may also be procured by means of the act 1 & 2 Vict. ch. 106.; the 70th section of which authorises the bishop, in cases where new buildings are necessary to be provided for the residence of the incumbent of a benefice exceeding in value £100 per annum,

Bishop may in certain cases purchase a site.

upon or at any time after the avoidance thereof, to contract for the purchase of a site for such new buildings, and to raise the purchase money by a mortgage of the living to the extent of four years' income.

Land may
be annexed
to a living.

A site may also be procured by means of the act 1 & 2 W. 4. ch. 45.; the 11th and 12th sections of which authorise ecclesiastical corporations, colleges, &c., owners of impropriate rectories, to annex any lands, parcel thereof, to any church or chapel within the parish in which the rectory lies; and which authorise the same parties to annex lands to churches or chapels in their patronage.

Governors
of Queen
Anne's
bounty may
purchase
sites with
appropri-
ated money;
and may
accept land.

The governors of Queen Anne's Bounty have the power, under the act 43 G. 3. ch. 107., to apply money appropriated to a living, in the purchase of a site for a parsonage house.

And under the same act, which restored the powers of the 2 & 3 Anne, ch. 11., they are empowered to accept land for the like purpose either by way of benefaction or sale.

STATEMENT of the Circumstances under which the House of Residence belonging to a Benefice may be sold, either with or without Land; and under which Part of the Glebe Lands or Tithes of a Living may be sold; and as to the Application of the Purchase Monies in either Case.

THE 17 Geo. 3. c. 53. sect. 10. gives power to the ordinary, patron, and incumbent of a living, under certain circumstances, to purchase a house or buildings for residence, and to purchase land, under certain restrictions as to quantity, adjoining or lying convenient to such house or buildings, or to the house or building belonging to any living, having no glebe lying near or convenient to the same; and the 11th section directs, that the *purchase-money, or equivalent for such lands*, shall be raised and had *by sale or exchange of some convenient part of the glebe or tithes of the living*: and the schedule to the act contains the form of the deed to be used in such a case.

Money, for the purchase of lands, may be raised by sale of part of the glebe or tithes.

The act 56 Geo. 3. c. 141. enables any spiritual or ecclesiastical body corporate, or spiritual person being a corporation sole, possessing any land adjacent to any cemetery, church-yard, or burying-ground, to sell, by indenture of bargain and sale inrolled, for the purpose of consecration, such portion thereof, to the extent of one acre, as may be necessary for enlarging such cemetery, &c.

Glebe-land may be sold for enlarging church-yard.

The act requires the consent of the ordinary and patron to a sale by a spiritual person being a corporation sole, and that previous to the conveyance the value of the land shall be ascertained, on oath, by a surveyor to be appointed by the ordinary; and directs, that in case the value shall exceed £100, other lands of at least equal value, estimated in like manner, shall be conveyed as the consideration. And if the value

Consent of ordinary.

Value to be ascertained.

If above 100*l.* other lands to be conveyed.

If under
100*l.*, to be
paid to
Q. A. B.

shall exceed £20, and shall not amount to £100, such value shall be paid to the governors of Queen Anne's Bounty, to be by them applied for the benefit of such spiritual person in the same manner as they are empowered by law to apply other sums of money coming into their hands; and in case the value shall not amount to £20, the same shall be paid into the hands of the spiritual person.

If under
20*l.*, to
incumbent.

Residence-
house and
appurte-
nances, and
land to the
extent of
12 acres,
may be
sold.

The act 1 Victoria,* c. 23. sect. 7. provides, That where the residence-house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons it shall be thought advisable to sell and dispose thereof, it shall be lawful for the incumbent, with the consent of the ordinary and patron, and of the archbishop of the province, to be signified by their executing the deed of conveyance, absolutely † to sell and dispose of such house, gardens, orchard, and appurtenances, any or either of them, with any land contiguous thereto, not exceeding 12 acres, to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary, patron, and archbishop shall appear fair and reasonable; and upon payment of the purchase-money as after mentioned, by deed indented, to convey and assure such premises unto and to the use of the purchaser or purchasers, his or their heirs or assigns, or as he or they shall direct or appoint.

Purchase-
monies to
be paid to
Q. A. B. to
be applied
in the erec-
tion or pur-
chase of
other pre-
mises.

By sect. 8., the purchase-monies are to be paid to the governors of Queen Anne's Bounty; and by sect. 9. the same are to be applied by them, after payment of all costs, charges, and expenses of such sale or sales, in or towards the erection or purchase of some other house and offices, or the purchase of an orchard, garden, and appurtenances, or land for the site of a house, any or either of them, together with land contiguous thereto,

* Amended by act 1 & 2 Vict. c. 29.

† See Instructions, p. 149.

and not exceeding 12 acres, suitable for the residence and occupation of the incumbent of such benefice, and approved of by the ordinary and patron, and the approval in writing under their hands is to be deposited in the registry of such ordinary; and such house is from thenceforth to be deemed the house of residence of such benefice, for all purposes whatsoever.

The act 6 & 7 Wm. 4. c. 70. enables ecclesiastical corporations aggregate and sole to convey any portion of land belonging to them, to The National Society for the Education of the Poor, or to the minister and churchwardens of the parish, or to trustees to be named by the bishop, for erecting thereon school-rooms for the education of the poor. The conveyances are directed to be made by bargain and sale inrolled, and either for a valuable consideration or as a free gift. And in the case of money being paid to a corporation sole, it is to be disposed of, for the benefit of the preferment, in such manner as the bishop shall, by writing under his hand, and registered in his registry, direct.

Land may be sold or given as a site for a school-room.

The purchase-money to be applied as the bishop may direct.

The land so alienated must not in any case exceed half an acre, and the quantity and value are to be ascertained by a surveyor previous to the conveyance.

Limitation of quantity.

By the 36th section of the act 58 Geo. 3. c. 45. corporations aggregate and sole are enabled to sell to the commissioners for building new churches any lands which may have been set out under the 35th section for a site for an additional church or chapel.

Lands may be sold for sites for churches.

In case the purchase-money shall amount to £200, it is to be paid into the Court of Chancery, to be laid out under the direction of the court, in the purchase of other lands, the dividends in the mean time, being paid to the party who would have been entitled to the profits of the land, if unsold.

If purchase-money shall amount to 200*l*.

If under £200, it is to be paid either into the Court of Chancery, or to trustees.

If under 20*l*.

If under
20l.

If under £20, it is to be paid to the party who would have been entitled to the profits of the land, if unsold.

Lands may
be sold for
sites for
residence-
houses.

The 9th sect. of the act 1 & 2 Victoria, c. 107. enacts, That all the powers given by the act 58 Geo. 3. c. 45., for enabling corporations and other persons therein named to convey, and the commissioners to take land for the sites of churches and chapels, shall extend to the transfer, by sale or exchange only, of land for a site for a house of residence of *any incumbent*, provided the same do not exceed 5 acres.

Sale of
land to
public
companies.

Many acts of parliament have been passed for the incorporation of public companies, &c., under which, land belonging to livings may be taken for the purposes of the companies. The acts always prescribe the manner in which the purchase-monies in such cases are to be applied.

INSTRUCTIONS for Incumbents who may be desirous to avail themselves of the Power given by the Acts 1 Vict. c. 23. and 1 & 2 Vict. c. 29., for the Sale of the House of Residence and Premises belonging to a Living, and the Purchase of other Premises with the money arising from such Sale.

It will be proper, in the first place, to submit to the ordinary and patron of the living, a statement of what is proposed to be done; and, should the measure appear to them desirable and proper to be proceeded with, to procure their written consent to the employment of a surveyor to act in the business.

Statement to be submitted to ordinary and patron.

FORM of Approbation of Surveyor.

We whose names are hereunto subscribed, being the ordinary, patron, and incumbent of the rectory of —, in the county of —, and diocese of —, do hereby signify our consent to the employment of J. H., of —, surveyor, to survey and value the residence-house and appurtenances belonging to the said rectory of —, with reference to the sale intended to be made of such residence-house and appurtenances; [*and also to survey and value the house and premises proposed to be purchased with the monies arising from such sale, if that be also intended,*] and to make a particular report in writing, as to the propriety and expediency of such proposed sale [*and purchase.*]

Approbation of surveyor.

Witness our hands this — day of —, 18—.

[*Signatures.*]

2. To address to the ordinary a memorial, stating with clearness and precision all the facts of the case, and the circumstances which render the proposed sale desirable, and the manner in which it is proposed to apply the purchase-money.

Memorial to ordinary.

Note. — No application should be made to the ordinary and patron for their sanction to the sale of a house of residence and premises, unless the incumbent is prepared, at the same time, to submit to them a scheme for applying the purchase-money, or some portion thereof, in providing premises more suitable for his residence than those proposed to be sold; and it must be clearly shown that some decided benefit will result to the living from the adoption of the proposed measure. The real object is to acquire a suitable house, and not merely to get rid of an incumbrance; and this must be kept in view.

The form of approbation of surveyor, above given, and the following forms of memorial and other instruments, are intended to apply to the case of an incumbent desirous of selling a house, unfit for his residence by reason of its dilapidated condition and other circumstances, and wishing to apply the monies arising from such sale, in the purchase of some particular house and premises convenient and suitable for his occupation: and they will serve in some measure, as a guide for other cases under the act: —

Form of
memorial.

FORM of Memorial.

To the Right Reverend —, Lord Bishop
of —.

The Memorial of the Reverend A. B., Rector of
the parish of —, in the county of —, and
diocese of —;

SHEWETH,

That the residence-house belonging to his said benefice is in a most dilapidated state, and has been habitable only as a cottage for many years past [*or state the particular circumstances which render the sale desirable.*]

That your memorialist, on taking possession of the said living, received from the representatives of the Reverend G. H., the last incumbent, the sum of £200, for dilapidations.

That your memorialist is advised that the house cannot be repaired and converted into a residence suitable for the occupation of the incumbent of the said benefice.

That your memorialist is desirous of selling and disposing of the said house, with the garden and appurtenances, and a close of land adjoining, containing together by admeasurement — acres, under the provisions of an act passed in the 1st year of the reign of her present Majesty, intituled “An act to amend the law for providing fit houses for the beneficed clergy,” and of an act passed in the 1st and 2d years of her said Majesty to amend the said act.

That your memorialist is also desirous of purchasing, under the provisions of the said act, a messuage and premises, containing together by admeasurement — acres, the property of C. D., Esquire; which premises are in the said parish of —, and are conveniently situated for the residence and occupation of your memorialist as rector of the said parish of —.

That the said C. D. is willing to sell the said premises for the sum of £—, which sum your memorialist is advised is a fair and reasonable price for the same.

That your memorialist proposes to apply the said sum of £200, received by him for dilapidations, in addition to the money to arise from the sale of the said residence-house and premises, towards payment of the said purchase-money of £—, and to borrow of the governors of the Bounty of Queen Anne, under the provisions for that purpose contained in the act, 1 Vict. c. 23., such a sum as will be required to pay the residue of the said purchase-money.

That in order to enable your Lordship the better to judge of the propriety of the proposed sale and purchase,

your memorialist proposes the Reverend A. B., rector of —, [*include the rural dean, if any,*] the Reverend C. D., rector of —, and the Reverend E. F., rector of —, all in the county of —, [*if the fact is so,*] and in your Lordship's diocese, and G. H., Esquire, of —, J. K., Esquire, of —, and L. M., Esquire, of —, as proper persons to whom your Lordship may direct a commission, requesting them to inspect and examine the respective properties so proposed to be sold and purchased, with the annexed map and particular before them, and to report their opinion respecting the same.

Your memorialist therefore prays that your Lordship will be pleased to take the above statement of facts into your consideration, and to issue a commission for the purposes aforesaid, authorising the said persons, or any others whom you may appoint, to act in the premises.

(Signed) A. B.

[*Add place of residence and date.*]

Plan and particular of the properties to be sold and purchased.

3. This memorial should be accompanied by a plan and particular of the properties to be sold and purchased, showing the situation of such properties, and giving an accurate description of them, and by a declaration before a magistrate by a respectable surveyor, in support of the facts stated in the memorial.

The following are forms of the declaration and particular which would be proper under the circumstances set forth in the above form of memorial: —

Form of surveyor's declaration.

I, J. H., of —, surveyor, do solemnly and sincerely declare, that I have duly surveyed the rectory-house of the parish of —, in the county of —, and the buildings and close delineated and described in the annexed plan marked A, and therein coloured *green*, and that I have in the annexed particular, marked B, truly described the present state and condition of the same, and the value of the old materials, and of the site of the house, with the gar-

den-ground and close adjoining and belonging thereto: That in my opinion the said house is so dilapidated and decayed that it cannot be repaired and converted into a suitable residence for the incumbent of the benefice: That I have also surveyed the messuage or tenement, offices, and garden, with — acres of land contiguous thereto, the property of C. D., Esquire, situate in the said parish,—also delineated and described in the said annexed plan, and therein coloured *brown*: That the sum of £—, at which the said premises have been offered to be sold by the said C. D., as and for the residence and occupation of the rector of the said parish, is in my judgment a moderate price for the same: And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the 5th and 6th years of the reign of his late Majesty King William the Fourth, intituled “An Act to repeal an act of the present session of parliament, intituled ‘An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affirmations, and to make other provisions for the abolition of unnecessary oaths.’”

Declared at —, in the county }
of —, the — day of —, } (Signed) J. H.
18—, before me }

L. M., one of her Majesty's justices of the peace for the county of —.

B.

A particular of the ancient rectory-house and premises belonging to the rectory of —, in the county of —, and diocese of —, as delineated in the plan hereto annexed, marked A. Form of particular.

An ancient messuage, built with brick, timber, and

tiles, in a state of great dilapidation, &c., &c., situate in a piece of garden-ground, &c., &c., with the close of land adjoining, and which premises, including the site of the buildings, contain by admeasurement — acres.

I, J. H., of —, surveyor and land agent, do certify the value of the above-described land, with the materials thereon, to be £—.

As witness my hand this —day of —, 18—.

J. H.

This is the particular referred to in the annexed declaration as marked B.

L. M.

Ordinary
will issue
commission
of inquiry.

Upon receipt of these documents the ordinary will, if the proposed measure appear *primá facie* proper to be carried into execution, issue a commission of inquiry, addressed to the persons named for that purpose in the memorial, or to such other persons resident in the neighbourhood as he may think proper.

The following is proposed as a form of the return to be made by the commissioners [*to be varied according to circumstances*]: —

To Right Reverend —, Lord Bishop of —.

Form of
commiss-
ioners'
return.

WE, the undersigned, being a majority of the commissioners within named, having, in pursuance of the within commission, actually examined and inspected the respective hereditaments set forth and described in the memorial of the Reverend A. B., annexed to the within commission, and having made all necessary inquiries, and well considered all the circumstances with reference to the sale and purchase proposed to be made, do hereby certify your Lordship that in our judgment such sale and purchase will be of material advantage to the living of —, and are in every respect fit and proper to be made.

In witness whereof we have hereunto subscribed our names, this — day of —, 18—.

On receipt of the commissioners' return, the bishop will, if satisfied in regard to the propriety of the measure, issue his fiat for the sale and conveyance of the old parsonage premises, the purchase-money for which must, in pursuance of the directions of the 8th section of the act, on the sale being completed, be paid by the purchaser to the treasurer of the governors of Queen Anne's Bounty, who will give a regular receipt for the same.

Bishops fiat for conveyance.

Purchase-money to be paid to Queen Anne's bounty.

All the before-mentioned documents must then be sent by the incumbent to the secretary to the governors, accompanied by a letter, requesting that the governors will apply the money so paid to their treasurer, to the purposes proposed in the memorial; the governors will thereupon proceed according to their own rules, as in other cases of purchases made by them. If the whole of the money shall not be exhausted in the purchase, the unapplied portion will remain in the governors' hands to the credit of the living, and interest will be paid thereon to the incumbent, until an eligible opportunity offers for his investing it in land in the parish or an adjoining one.

All the documents to be sent to the secretary to the governors.

Note.— In consequence of the enactment by the 14th section of the act 1 Vict. c. 23., That the several powers and provisions of the act 7 Geo. 4. c. 66. shall apply to the case of a purchase effected under the former act, the conveyance of the premises purchased will be made to the incumbent; and when the premises so proposed to be purchased shall belong to any person having a less estate or interest therein than in fee simple, or by any corporation aggregate or sole, or person under legal disability, the map and plan, and valuation thereof, must still be *verified on oath* before a justice of the peace — and not by declaration; and must be annexed to, and preserved with the conveyance.

The conveyance of the purchased premises to be made to the incumbent.

As to the Disposal of the Old Residence House, after a new House and Offices shall have been built, or otherwise acquired.

Old house of residence may, after the grant and annexation of a new house, be removed.

The act 55 Geo. 3. c. 147. sect. 5., after making provision for the grant to an incumbent, by way of benefaction, of any messuage, buildings, and premises convenient for his residence and occupation, and providing that such messuage and premises shall upon the conveyance thereof, become annexed to, and be deemed the parsonage-house and premises of the living; enacts, That from and after such grant and annexation, it shall be lawful for the incumbent (with the consent in writing, under the hands and seals of the patron and bishop, and registered in the registry of the diocese), to take down and remove any parsonage or glebe-house, and out-buildings, or any part thereof, which before such annexation belonged to the living (if the same, or any part thereof, cannot be better applied to the permanent advantage of the living), and with the like consent apply the materials, or the produce thereof, if sold, towards some lasting improvement of the living.

Old house of residence may be suffered to remain standing.

By sect. 6. of the act 1 Victoria c. 23., in cases where any existing house and offices belonging to any benefice shall be unfit for the residence of the incumbent thereof, and shall be incapable of being enlarged or repaired so as to be rendered fit for his residence; and it shall be so certified to the bishop of the diocese wherein such benefice shall be situate by some competent surveyor or architect, and that it will be advantageous to the benefice that such house and offices should be suffered to remain, the incumbent is enabled, with the consent of the bishop, to allow such house and offices to remain standing as a dwelling-house and offices, or to convert the same into farming buildings, for the use and occupation of the occupier or occupiers

of the glebe-lands belonging to such benefice; and it is enacted, That from and after the complete erection, or the purchase of a new house and offices to the satisfaction of the bishop of the diocese, such old house and offices shall from thenceforth be used for and converted to the purposes aforesaid; and the house and offices to be so erected or purchased shall from thenceforth, to all intents and purposes, be deemed and taken to be the residence-house of and for such benefice, without the necessity of obtaining any licence or faculty for that purpose.

See also instructions as to the sale of old residence-house, p. 149.

As to sale
of old
house.

AN ACT to facilitate the Conveyance of Sites for
School-rooms.

[See act 6 & 7 Wm. 4. c. 70., in *Appendix.*]

THE object of this act is twofold.

I. The general education of poor children.

II. The education of poor children in the principles of the Christian religion, according to the doctrines and discipline of the United Church of *England* and *Ireland*.

Lords of manors may convey waste for the site of a school.

With reference to the first of these objects, the act enables all lords of manors (including corporations aggregate and sole) to convey to the incumbent and churchwardens of any parish in which a school is intended to be erected, or to the trustees of any such school, part of the waste lands of a manor for the site of such school, and of a house or houses for the residence of the master or mistress thereof. And it likewise enables all persons, including those incapacitated by law, (but not including corporations) to convey any portion of land of which they may be seized, for the purpose of such site.

Spiritual corporations may convey sites for school-rooms.

With reference to the second of the above objects, the act enables all spiritual corporations aggregate and sole, to convey sites for school-rooms, and for houses for the masters and mistresses of the schools, in the following manner: —

1. To the National Society for the Education of the Poor.

2. To the minister and churchwardens for the time being of the parish in which the land is situate.

3. To trustees, to be named by the bishop of the diocese.

Bishop's consent to conveyance by a spiritual corporation, sole.

Where the conveyance is made by a spiritual corporation sole, the consent of the bishop of the diocese is to be testified by his being a party to the conveyance.

The conveyance, in each of the above cases, may be either by way of sale or gift; and if money is paid to any spiritual person, it is to be applied for the benefit of him and his successors, in such manner as the bishop of the diocese may direct.

Applica-
tion of pur-
chase-
money in
case of sale.

No greater quantity of land than half an acre is in any case allowed to be conveyed; and the quantity and value are to be ascertained immediately previous to the conveyance by a land surveyor, to be appointed, in case the land shall belong to the church, by the bishop of the diocese.

Only half
an acre to
be con-
veyed.

Quantity
and value
to be ascer-
tained.

In cases where schools and masters' houses may have been built, prior to the passing of the act, on land of which no legal conveyance could be made, all the provisions of the act are made to apply to such a case, and the site of the buildings may be effectually conveyed.

Where
schools
built prior
to act, sites
may be
conveyed.

The following instructions are intended as a guide to an incumbent desirous of availing himself of the powers of the act to convey a portion of his glebe. The instructions will apply equally to the case of any spiritual corporation sole, wishing to convey land belonging to him in respect of his ecclesiastical preferment:—

It may be proper in the first place to observe, that as the minister and churchwardens of a parish are not capable of taking lands in succession as a corporation, the conveyance had better be made either to the National Society, or to trustees to be appointed for the purpose by the bishop. In the following forms, the conveyance is supposed to be made to trustees.

Minister
and church-
wardens
not a cor-
poration.

Convey-
ance to be
made to
National
Society, or
to trustees.

The first step to be taken, is to employ a respectable land surveyor to make a plan of the ground intended to be conveyed, showing its situation with reference to the house of residence, in order to satisfy the bishop, that

Plan of the
ground to
be con-
veyed.

the alienation will occasion no inconvenience or injury to the living.

This plan should accompany the application to the bishop to appoint a surveyor to ascertain the quantity and value of the land to be conveyed:—

FORM of Appointment of Surveyor.

To all to whom these presents shall come, I the Right Reverend —, by divine permission Lord Bishop of —, send greeting.

Appoint-
ment of
surveyor.

WHEREAS it has been represented to me that a school has been established in the parish of —, in the county of —, within my diocese, for the education of poor children in the principles of true religion and useful knowledge, and that a school-room is required to be provided for the use of the said school, and a house for the residence of the master and mistress thereof. And whereas the Reverend L. M., clerk, the incumbent of the — of — aforesaid, hath, with my consent, and pursuant to the authority for that purpose contained in the act passed in the 6th and 7th years of the reign of King William the Fourth, intituled “An Act to facilitate the conveyance of sites for school-rooms,” agreed to convey unto [*trustees*], whom I do hereby name trustees for the purpose of such conveyance pursuant to the said act, the piece or parcel of land herein-after particularly described, being part of the glebe-land belonging to the said L. M., as incumbent of the said — of —, (that is to say) all, &c., [*here describe the piece of land accurately*] for the purpose of erecting a school-room there, and a house for the master and mistress of the said school, as mentioned in the said act.

Now I the said — Lord Bishop of —, as the bishop of the diocese in which the said piece or parcel of land is situated, do by this instrument under my hand, and pursuant to the direction for that purpose contained in the said act, appoint A. B. of —, land

surveyor, to ascertain the quantity and value of the said piece or parcel of land so agreed to be conveyed by the said L. M., as aforesaid.

As witness my hand, this — day of —, 18 —

FORM of Surveyor's Report.

I, A. B., — of —, land surveyor, do hereby certify, that pursuant to an instrument in writing under the hand of the Right Reverend —, Lord Bishop of —, bearing date the — day of —, whereby the said Lord Bishop appointed me to ascertain the quantity and value of a certain piece or parcel of land therein mentioned, and also herein-after described (*that is to say*) all, &c. Surveyor's report.

I did, on the — day of —, carefully survey and measure the said piece or parcel of land; and I do certify that the same contains exactly —: and I am of opinion that the sum of £ —, is the value of the same, reckoning the said land as freehold: and I have, in the margin of this my certificate or report, set forth a correct plan of the said piece or parcel of land. Dated the — day of —, 18 —.

And to this report there should be subjoined a declaration before a magistrate in the following form: —

FORM of Declaration.

I, A. B., of —, land surveyor, do hereby solemnly and sincerely declare, that the foregoing report as to the quantity and value of the piece or parcel of land therein mentioned is in every particular correct and true, and that the plan of the said piece of land annexed to the said report contains an accurate delineation of the same; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the powers of an act made and passed in the 5th and 6th years of the reign of King William the Fourth, Surveyor's declaration.

intituled “ An Act to repeal an act of the present session
 “of parliament, intituled ‘ An Act for the more effectual
 “abolition of oaths and affirmations taken and made in
 “various departments of the state, and to substitute
 “declarations in lieu thereof; and for the more entire
 “suppression of voluntary and extra-judicial oaths and
 “affidavits, and to make other provisions for the abolition
 “of unnecessary oaths.’ ”

A. B.

Declared at —, on the — day of —,
 18 —, before me

one of her Majesty’s justices of the peace
 for the county of —.

Bishop
 must join
 in convey-
 ance.

This report must then be presented to the bishop for
 his signature, in testimony of his approval thereof; after
 which, the conveyance (to which the bishop must be
 made a party) may be proceeded with.

Documents
 to be an-
 nexed to
 convey-
 ance.
 Convey-
 ance to be
 inrolled.

Note. — The appointment of surveyor, and his re-
 port and declaration, must be annexed to the
 conveyance; and the conveyance must be
 duly inrolled.

*REFERENCE to Acts relating to Building Churches,
and to Cemeteries or Church Yards.*

It may be useful to enumerate the Titles of the several Acts of Parliament for building and enlarging Churches, and as to Cemeteries or Church-yards.

43 Geo. 3. c. 108.

An Act to promote the building, repairing, or otherwise providing of churches and chapels, and of houses for the residence of ministers, and the providing of church-yards and glebes.

[27th July, 1803.]

51 Geo. 3. c. 115.

An Act for amending the act 43 G. 3. to promote the building, repairing, or otherwise providing the churches and chapels, and of houses for the residence of ministers, and the providing of church-yards and glebes.

[26th June, 1811.]

56 Geo. 3. c. 141.

An Act for enabling ecclesiastical corporate bodies, under certain circumstances, to alienate lands for enlarging cemeteries or church yards.

[2d July, 1816.]

58 Geo. 3. c. 45.

An Act for building and promoting the building of additional churches in populous parishes.

[30th May, 1818.]

59 Geo. 3. c. 134.

An Act to amend and render more effectual an act passed in the last session of parliament for building and promoting the building of additional churches in populous parishes.

[13th July, 1819.]

3 Geo. 4. c. 72.

An Act to amend and render more effectual two acts passed in the 58th and 59th years of His late Majesty for building and promoting the building of additional churches in populous parishes.

[22d July, 1822.]

5 Geo. 4. c. 103.

An Act to make further provision, and to amend and render more effectual three acts passed in the 58th and 59th years of His late Majesty, and in the 3d year of His present Majesty, for building and promoting the building of additional churches in populous parishes. [24th June, 1824.]

7 & 8 Geo. 4. c. 72.

An Act to amend the acts for building and promoting the building of additional churches in populous parishes. [2d July, 1827.]

9 Geo. 4. c. 42.

An Act to abolish church briefs, and to provide for the better collection and application of voluntary contributions for the purpose of enlarging and building churches and chapels. [15th July, 1828.]

1 & 2 Wm. 4. c. 38.

An Act to amend and render more effectual an act passed in the 7th and 8th years of the reign of His late Majesty, intituled, "An Act to amend the acts for building and promoting the building of additional churches in populous parishes." [15th Oct. 1831.]

2 & 3 Wm. 4. c. 61.

An Act to render more effectual an act passed in the 59th year of His late Majesty King George the Third, intituled, "An Act to amend and render more effectual an act passed in the last session of parliament for building and promoting the building of additional churches in populous parishes." [11th July, 1832.]

1 & 2 Vict. c. 107.

An Act to amend and render more effectual the church-building acts. [15th Aug. 1838.]

A P P E N D I X.

17^o GEORGE III. Cap. 53.

An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses, and other necessary Buildings and Tenements, for the Use of their Benefices.

WHEREAS many of the parochial clergy, for want of proper habitations, are induced to reside at a distance from their benefices, by which means the parishioners lose the advantage of their instruction and hospitality, which were great objects in the original distribution of tithes and glebes for the endowment of churches; for remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June one thousand seven hundred and seventy-seven, whenever the parson, vicar, or other incumbent of any ecclesiastical living, parochial benefice, chapelry, or perpetual curacy, being under the jurisdiction of the bishop or other ecclesiastical ordinary, whereon there is no house of habitation, or such house is become so ruinous and decayed, or is so mean, that one year's neat income and produce of such living will not be sufficient to build, rebuild, or put the same, with the necessary offices belonging thereto, in sufficient repair, shall think fit to apply for the aid and assistance intended to be given by this act, it shall and may be lawful for every such

Incumbent
of any
ecclesiastical living,
whereon
there is no
house, &c.,

parson, vicar, or incumbent (after having procured, from some skilful and experienced workman or surveyor, a certificate, containing a state of the condition of the buildings on their respective glebes, and of the value of the timber and other materials thereupon fit to be employed in such buildings or repairs, or to be sold, and also a plan and estimate of the work proposed to be done (such state and estimate to be verified upon oath, taken before some justice of the peace or master in chancery, ordinary or extraordinary), and laid the same, together with a just and particular account in writing, signed by him, and verified upon oath, taken as aforesaid, of the annual profits of such living, before the ordinary and patron of the living, and obtained their consent to such proposed new buildings or repairs, by writing under their respective hands, in the form for that purpose contained in the schedule hereunto annexed), to borrow and take up at interest, in the manner hereafter mentioned, such sum or sums of money as the said estimate shall amount unto, after deducting the value of timber or other materials which may be thought proper to be sold, not exceeding two years' neat income and produce of such living, after deducting all rents, stipends, taxes, and other outgoings, excepting only the salaries to the assistant curate, where such a curate is necessary; and as a security for the money so to be borrowed, to mortgage the glebe, tithes, rents, and other profits and emoluments arising or to arise from such living, to such person or persons, who shall advance the same, by one or more deed or deeds, for the term of twenty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied, according to the terms, conditions, true intent and meaning of this act; which mortgage deed or deeds shall be made in the forms or to the effect for that purpose contained in the said schedule, and shall bind every succeeding parson, vicar, or incumbent of such living, until the principal and interest, costs and charges, shall be paid off and discharged, as fully and effectually as if such successor had executed the same.

II. And be it further enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be

(with the consent of the ordinary and patron) may borrow money to build one,

and mortgage the glebe, tithes, &c., for 25 years.

Every mortgagee

kept by the incumbent for the time being ; and a copy of every such deed of mortgage shall be registered in the office of the registrar of the bishop of the diocese where the parish lies, or other ordinary having episcopal jurisdiction therein for the time being, after having been first examined by him with the original ; which officer shall register the same, and be entitled to demand and receive the sum of five shillings, and no more, for such register ; and every such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search ; and the said deed, or a copy thereof, certified under the hand of the registrar, shall be allowed as legal evidence, in case any such mortgage deed shall happen to be lost or destroyed.

to execute a counter-part of the mortgage, to be kept by the incumbent, &c.

III. Provided always, and be it further enacted, that whenever the principal and interest, directed to be paid to the mortgagee under the several provisions of this act, shall be in arrear and unpaid, for the space of forty days after the same shall become due, it shall and may be lawful for such mortgagee, his executors, administrators, or assigns, to recover the same, and the costs and charges attending the recovery thereof, by distress and sale, in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

On failure of payment of principal and interest for 40 days after due, mortgagee may distrain.

IV. And be it further enacted, that the money so to be borrowed shall be paid into the hands of such person or persons as shall be nominated and appointed to receive and apply the same for the purposes aforesaid, by the ordinary, patron, and incumbent, by writing under their respective hands, in the form for that purpose contained in the said schedule, after such nominee shall have given a bond to the ordinary, with sufficient surety, in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this act ; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money ; and the person or persons so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the ordinary, patron, and incumbent, and shall be specified in an instrument written upon parchment, and signed by them in the

Money borrowed to be paid to such persons as the ordinary, &c., shall appoint ;

who shall contract for the buildings, &c., and see the same executed,

and pay for them, &c.

form for that purpose contained in the said schedule ; and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs, according to the terms of such agreements, and shall take proper receipts and vouchers for the same ; and as soon as such buildings or repairs shall be completed, and the money paid, shall make out an account of his receipts and payments, together with the vouchers for the same, and enter them in a book, fairly written, which shall be signed by him, and laid before the ordinary, patron, and incumbent, and examined by them ; and when allowed, by writing under their respective hands, in the form for that purpose contained in the said schedule, such allowance shall be a full discharge to the person so nominated, in respect to the said accounts ; and, if any balance shall remain in the hands of such nominee or nominees, the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said ordinary, patron, and incumbent, or two of them, of which the said ordinary to be one, by orders signed by them, in the form for that purpose contained in the said schedule ; and an account shall also be kept, made out, and allowed, of such further disbursements, in manner aforesaid ; all which accounts, when made out, completed, and allowed, shall be deposited with the vouchers, in the hands of the said registrar, and kept by him for the use and benefit of the incumbents of such living for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar, or deputy registrar, the sum of one shilling for every such inspection.

How the balance remaining shall be disposed of.

Ordinary to cause inquiry to be made of the condition of the buildings when the incumbent entered on the living, &c.

V. Provided always, and be it further enacted, that every such ordinary, before he or they shall signify his or their consent, in manner aforesaid, shall cause an inquiry to be made, and certified to him or them, by the archdeacon, chancellor of the diocese, or other proper persons living in or near the parish where such buildings are proposed to be made or repaired, in the forms for that purpose specified in the said schedule, of the state and condition of such buildings at the time the incumbent entered upon such living or benefice, how

long such incumbent had enjoyed such living or benefice, what money he had received, or may be entitled to receive, for dilapidations, and how and in what manner he had laid out what he had so received; and if it shall appear to them that such incumbent had, by wilful negligence, suffered such buildings to go out of repair, then to certify the same to the said ordinary, and also the amount of the damage which such buildings had sustained by the wilful neglect of such incumbent; and such incumbent, if the ordinary require it, shall pay the same into the hands of the nominee or nominees, to be appointed under the authority of this act, towards defraying the expences of building or repairs before the ordinary shall give his consent as aforesaid.

VI. And be it further enacted, that the incumbent of every such living or benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall, and he and they is and are hereby required to pay the interest arising upon every such mortgage yearly, as the same shall become due, or within one month after, and also five pounds per centum per annum of the principal remaining due by yearly payments; and that every such incumbent who shall not reside twenty weeks in each year upon such living, computing such year from the date of the said mortgage deed, shall, instead of the said sum of five pounds per centum per annum, pay the sum of ten pounds per centum per annum of the principal remaining due by yearly payments, such payments to be respectively made at the same time such interest shall be paid, until the whole principal money and interest shall be fully paid and discharged; and that every such incumbent who shall pay only five pounds per centum per annum of such principal money, shall, at the time he pays the same, produce and deliver to the mortgagee a certificate, under the hands of two rectors, vicars, or officiating ministers of some parishes near adjoining, signifying that he had resided twenty weeks upon the said living or benefice, within the year for which such payment became due, according to the regulations aforesaid; which certificate shall be in the form or to the effect contained in the said schedule; and that every such incumbent shall, annually, at his own expence, from the time such buildings, authorised

Directions
for payment
of the
principal
and interest
of the
mortgages.

Every in-
cumbent,
who shall
not reside
20 weeks
in each year
upon his
living, shall
pay 10l.
per cent. of
the prin-
cipal, &c.,
and every
incumbent
paying only
5l. per cent.
per ann. of
the prin-
cipal to
produce a
certificate
of his
residence,
under the
hands of
two rectors,
&c.; and as
soon as the

buildings
are com-
pleted to
insure them
against fire.

to be made by this act, shall be completed, insure, at one of the public offices established in London or Westminster for insurance of houses and buildings, the house and other buildings upon such glebe against accidents by fire, at such sum of money as shall be agreed upon by the ordinary, patron, and incumbent; and in default of the payment of either the principal or interest in manner aforesaid, or neglect of the incumbent to make such insurance, the ordinary shall have power to sequester the profits of the living till such payment or insurance shall be made.

Clause for
proportion-
ing the an-
nual pay-
ment in
case of
death or
other
avoidance.

VII. And in order that the payment of such year may be justly and equitably ascertained and adjusted between the successor and the parson, vicar, or incumbent, avoiding such living or benefice by death or otherwise, or his representatives, in case of death or other avoidance, in such proportions as the profits of such living shall have been received by them respectively for the year in which such death or avoidance shall happen; be it further enacted, that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor, and the other by the person making such avoidance, or his representatives in case of his death; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the ordinary, whose determination shall be final and conclusive between the parties; which nominations and determinations shall be made according to the forms for that purpose contained in the said schedule, as near as conveniently may be.

The ordi-
nary of any
living
worth 100l.
per ann.,
which has
no proper
house of
habitation,
may (if the
incumbent

VIII. And be it further enacted, that where there shall be no house of habitation upon any ecclesiastical living or benefice, so described as aforesaid, exceeding in clear yearly value one hundred pounds per annum, or being one, the same shall be so mean, or in such a state of decay as aforesaid, and the incumbent shall not reside in the parish twenty weeks within any year, computing the same from the first day of January, it shall be lawful for the ordinary of such

living or benefice, with the consent of the patron, (in case the incumbent shall not think fit to lay out one year's income, where the same may be sufficient to put the house and buildings in proper and sufficient repair, or to make such application as aforesaid for building, repairing, or rebuilding such parsonage house,) to procure such plan, estimate, and certificate as herein directed, and at any time, within the course of the succeeding year, to proceed in the execution of the several purposes of this act, in such manner as the parson, vicar, or incumbent is hereby authorised and directed to proceed, and to make and execute such mortgage as aforesaid; which shall be binding upon the incumbent and his successors, and he and they shall be and are hereby made liable to the payment of the interest, principal, and costs; and every such incumbent, and his representatives, shall be and are hereby also made respectively liable to the proportion of the payments for the year which shall be growing at the time of the death of such incumbent, or avoidance of such living, according to the directions aforesaid; which said interest, principal, and costs, and proportion of payments growing at the time of the death of such incumbent, or avoidance, shall and may be recovered against such incumbent, his successors or representatives respectively, by action of debt in any court of record.

IX. And be it further enacted, that all sum and sums of money recovered or received, by suit or compositions, from the representatives of any former incumbent of such living or benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed, and the money paid for the same, shall be applied, as soon as received, in payment of the principal then due, as far as the same will extend; or, in case the said mortgage money shall have been discharged, all such money arising from dilapidations shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the ordinary patron and incumbent, in case such nominee shall be dead or shall decline to act therein, to be laid out and expended in

neglect to make application, &c., procure an estimate, &c., and proceed in the execution of this act, in such manner as the parson is directed to proceed.

All money received for dilapidations, &c., shall be applied in part of the payments under the aforesaid estimate;

or in making some additional improvements, &c.

Where new buildings are necessary for the residence of the incumbent, the ordinary, &c., may purchase any convenient house within one mile of the church, and a certain portion of land.

making some additional buildings or improvements upon the glebe of such living or benefice, to be approved by the ordinary, patron, and incumbent; and in the mean time, or in case such buildings shall not be necessary, then in trust to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

X. Provided always, and be it further enacted, that where new buildings are necessary to be provided or erected, for the habitation and residence of the rector, vicar, or other incumbent, pursuant to the authority hereby given, it shall and may be lawful for the ordinary, patron, and incumbent of every such living or benefice to contract, or to authorise, if they shall think fit, the person so to be nominated by them as aforesaid, to contract for the absolute purchase of any house or buildings, in a situation convenient for the habitation and residence of the rector or vicar of such living or benefice, and not at a greater distance than one mile from the church belonging to such living, benefice, or chapelry; and also to contract for any land adjoining or lying convenient to such house or building, or to the house or building belonging to any parochial living or benefice having no glebe lying near or convenient to the same, not exceeding two acres, if the annual value of such living, to be ascertained as aforesaid, shall be less than one hundred pounds per annum, nor two acres for every one hundred pounds per annum, if of greater value, and to cause the purchase-money for such house or buildings to be paid out of the money to arise under the powers and authorities of this act; in all which cases the said buildings and lands shall be conveyed to the patron of such living or benefice, and his heirs, in trust, for the sole use and benefit of the rector, vicar, or other incumbent of such living or benefice for the time being, and their successors, and shall be annexed to such church or chapel, and be enjoyed and go in succession with the same for ever; but no contract so made by the nominee shall be valid until confirmed by the ordinary, patron, and incumbent by writing under their hands; and every such purchase deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner, and in

such office, as the other deeds are hereby directed to be registered.

XI. Provided also, and be it further enacted, that when any such land lying near to the parsonage-house and buildings belonging to such living or benefice, or to be so purchased or exchanged as aforesaid, shall be thought fit to be taken and used as a convenience for the same, the purchase-money or equivalent for such land shall be raised and had by sale or exchange of some part of the glebe or tithes of such living or benefice, which shall appear to the said ordinary, patron, and incumbent, most convenient for that purpose; and every such sale or exchange shall be by deed, in the form or to the effect contained in the schedule hereunto annexed, and registered as herein-before directed.

Purchase-money for such land to be raised by sale, &c. of part of the glebe or tithes.

XII. And be it further enacted, that it shall and may be lawful for the governors authorised or appointed to regulate and superintend the bounty given by her late majesty Queen Anne, for the augmentation of the maintenance of the poor clergy, to advance and lend any sum or sums of money, not exceeding the sum of one hundred pounds in respect of each living or benefice, out of the money which has arisen, or shall from time to time arise, from that bounty, for promoting and assisting the several purposes of this act, with respect to any such livings or benefices as shall not exceed the clear annual improved value of fifty pounds; and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are herein-before mentioned, but no interest shall be paid for the same; and, in cases where the annual value of such living or benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said governors to advance and lend, for the purposes of this act, any sum not exceeding two years' income of such living or benefice upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same, not exceeding four pounds for one hundred pounds by the year.

Governors of Queen Anne's bounty empowered to lend certain sums to promote the execution of this act.

XIII. And be it further enacted, that it shall and may be lawful for any college or hall, within the universities of Oxford and Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical livings or bene-

Colleges in Oxford and Cambridge, and other

corporate bodies, patrons of livings, may lend any sums without interest to aid the execution of this act.

Who is to act for any patron who shall be a minor, lunatic, &c.

Writings not liable to stamp-duty.

Proviso when the ordinary shall be a body corporate, &c.

In certain cases the consent of the rector, &c., necessary.

lices, to advance and lend any sum or sums of money, of which they have the power of disposing, in order to aid and assist the several purposes of this act, for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation and convenience of the clergy, upon livings or benefices under the patronage of such college or hall, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

XIV. And be it further enacted, that whenever the patron of any living or benefice, to which the provisions of this act are proposed to be extended, shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of every such patron to transact the several matters aforesaid for such patron, who shall be bound thereby, in such manner as if he or she had been of full age, of sound mind, or feme sole, and had done such act, or given his or her consent thereto.

XV. Provided also, and be it further enacted, that all acts herein-before required to be done or consented to by the ordinary and patron shall be done by the ordinary alone, when such ordinary shall happen to be the patron of the living; and that no deed, bond, transfer, or other writing, instrument, or proceeding, made, had, or done, under the powers or authority of this act, shall be charged or chargeable with any stamp-duty or fee of office, except as herein mentioned; any law or statute to the contrary notwithstanding.

XVI. Provided always, and it is hereby further enacted, that in all cases where any act is required to be done by the ordinary, in the execution of any of the purposes of this act, and such ordinary shall be a body corporate aggregate, every such act shall be done and signified under the seal of such body corporate.

XVII. Provided always, and be it further enacted, that where the incumbent of any chapelry or perpetual cure shall be nominated by the rector or vicar of the parish wherein the same is situated, in every such case the consent of such rector or vicar, together with the consent of the patron of such rectory, shall be necessary in all such matters wherein the consent of the patron is required by the former provisions of this act.

XVIII. Provided likewise, and be it further enacted, that whenever any controversy or dispute shall arise touching the residence of the incumbent, with respect to any of the matters contained in this act, the same shall be adjusted and determined by the ordinary of the diocese.

Disputes touching the residence to be determined by the ordinary.

XIX. Provided also, and be it further enacted, that it shall and may be lawful for the patron, ordinary, and incumbent of any such living or benefice as aforesaid, or any two of them, of which the ordinary to be one, by writing under their hands, to make such allowance to the person or persons to be nominated by them, for the purpose of paying and applying the money so to be raised as aforesaid, as they shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

Patron, &c., to make allowance to persons for applying the money, &c.

XX. Provided also, and be it further enacted, that in all cases where the patronage of any living or benefice hereinbefore described shall be in the crown, and such living or benefice shall be above the yearly value of twenty pounds in the king's books, the consent of the crown to the several proceedings hereby authorised respecting such living or benefice, shall be signed by the Lord High Treasurer, or First Lord Commissioner of the Treasury for the time being; but if such living or benefice shall not exceed the value of twenty pounds in the king's books, such consent shall be signified by the Lord High Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being; or if such living or benefice shall be within the patronage of the crown in right of the duchy of Lancaster, then such consent shall be signified by the chancellor of the duchy for the time being, by writing under their respective hands, in the form or to the effect for that purpose contained in the schedule hereunto annexed; and that in all such cases where such deed is hereby required to be executed by the patron as well as the ordinary and incumbent, such deed shall be valid and effectual to all intents and purposes whatsoever, if executed by the ordinary and incumbent only, after such consent shall have been obtained as aforesaid from the said Lord High Treasurer, First Commissioner of the Treasury, Lord Chancellor, Lord Keeper, Lords Commissioners of the Great Seal, or Chancellor of the duchy

In what manner the consent of the crown shall be made known, in all cases where the patronage shall be in the crown.

of Lancaster respectively, as the case shall be, provided such consent shall be registered at the register-office aforesaid.

Arch-
bishops,
&c., who
are lords of
manors
which con-
tain any
waste lands
convenient
for the pur-
poses of
this act,
may grant
a part
thereof in
perpetuity,
&c.

XXI. And be it further enacted, that it shall and may be lawful for any archbishop or bishop of any diocese, and also for any ecclesiastical corporation, sole or aggregate, being lord or lords of any manor within which there shall be any waste or common lands, parcel of the demesnes of such manor, lying convenient for the house and buildings, and other the purposes of this act, to grant a part or parts of such waste or common lands in perpetuity for the several purposes of this act, leaving sufficient common for the several persons having right of common upon such wastes or commons, and obtaining the consent of the lessee of such lands, if the same shall be in lease.

† Sic.

SCHEDULE TO WHICH THE BILL † REFERS.

Form of the Consent of the Ordinary and Patron (to be written on parchment).

A. B., rector, vicar, &c. [*as the case shall be*], of the parish, chapelry, or perpetual curacy [*as the case shall be*], of —— in the county of ——, under the jurisdiction of the ordinary, having produced to us, the said ordinary, and ——, patron of the said church and living, a certificate, under the hand of ——, a skilful and experienced workman, or surveyor, of the state and condition of the buildings upon the glebe belonging to the said church, chapelry, or perpetual curacy [*as the case shall be*], and of the value of the timber and other materials thereupon, fit to be sold or employed about such buildings; and also a plan, made by the said ——, of the work proposed to be done by new buildings and repairs upon the said glebe, and an estimate of the expence attending the same, after applying the said materials, or the money to arise from the sale thereof, in such buildings and repairs; and also a particular account in writing, signed by the said A. B., of the annual profits of such living, and of the rents, stipends, taxes, and other outgoings annually issuing thereout, verified upon oath, pursuant to the directions of an act passed in the seventeenth year of the reign of his majesty King George the third, ‘ to promote the residence of the parochial clergy,

by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices;’ and having considered such certificate, plan, and account: now we do approve thereof; and do consent that such buildings and repairs shall be made as therein specified; and that the said A. B. do borrow and take up at interest the sum of ———, being the estimate of the expenses, after deducting the value of the timber, and other materials thought proper to be sold, and which appears to us, from the said account, a sum not exceeding two years neat income and produce of the said living; which money is to be paid to ——— [a person nominated by us and the said A. B.], and applied according to the direction of the said act.

Form of the Mortgage.

THIS indenture, made the ——— day of ———, in the ——— year of the reign of his Majesty ———, and in the year of our Lord ———, between the reverend ———, rector or vicar, &c. of the parish church, curacy, or chapelry of ———, in the county of ———, and the diocese of the bishop of ———, of the one part; and ——— of ———, of the other part. Whereas the said ———, pursuant to the directions of an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled ‘An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements for the use of their benefices, hath obtained the consent of the ordinary of the said dioceses and the patron of the said church and living, to borrow and take up at interest the sum of ———, to be laid out and expended in building, rebuilding, or repairing [*as the case shall be*] the parsonage house, and other necessary offices upon the glebe belonging to the said church, chapel, or curacy as appears by an instrument, signed by the said ordinary and patron, hereunto annexed: and whereas the said ——— hath agreed to lend and advance the sum of ———, upon a mortgage of the glebe, tithes, rents and other

profits and emoluments of the said living, pursuant to the direction and the true intent and meaning of the said act: now this indenture witnesseth, that the said ———, in consideration of the sum of five shillings to him in hand paid, and of the sum of ——— paid at or before the sealing and delivery hereof, into the hands of ——— (a person or persons, [*as the case shall be*] nominated by the said ordinary, patron, and incumbent, to receive the same, pursuant to the direction of the said act, which nomination is also hereunto annexed, and which receipt of the said sum of ——— the said ——— have or hath acknowledged, by an indorsement on the back of this deed), hath granted, bargained, sold, and demised, and by these presents doth grant, bargain, sell, and demise, unto the said ———, his executors, administrators, and assigns, all the glebe lands, tithes, rents, moduses, compositions for tithe, salaries, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising, coming, growing, renewing, or payable to the rector, vicar, or incumbent [*as the case shall be*] of the said living in respect thereof, with all and every their rights, privileges, and appurtenances thereunto belonging, to have, hold, receive, take and enjoy the said premises, with their and every of their appurtenances, unto the said ———, his executors, administrators, and assigns, from henceforth for and during the term of ——— years, fully to be complete and ended, in as full, ample, and beneficial manner, and with such remedies and powers for obtaining and recovering the same, and every part thereof, to all intents and purposes, as the said ———, his successors, rectors, vicars, &c. [*as the case shall be*] of the said church could or might or ought to have held, enjoyed, received, taken or recovered the same, if these presents had not been made.

In cases where the mortgage by this act directed is to be made by the Ordinary and Patron alone, without the Incumbent, this covenant and proviso are to be omitted, and the form is to be varied in such other respects as shall be necessary.

[And the said A. B. for himself, his heirs, executors, and administrators, doth hereby covenant, promise, and agree to and with the said ——— his executors, administrators, and assigns, that he the said A. B. during the time he shall continue rector, vicar, &c. of the said parish and parish church, shall and will well and truly pay, or cause to

be paid, unto the said ———, his executors, administrators, or assigns, interest for the said sum of ———, or so much thereof as shall remain due at the end of every year, to be computed from the day of the date of these presents, after the rate of ——— per centum per annum, by yearly payments, the first of the said payments to begin and be made on the ——— day of ——— next; and also, at the several times before mentioned for payment of the interest as aforesaid, shall and will well and truly pay, or cause to be paid, the sum of five pounds per centum per annum of the principal which remained due at the beginning of the year in which every such payment is to be paid, in case the said A. B. shall be resident upon the said living for the time mentioned in, and according to the true intent and meaning of the said act; and in case the said A. B. shall not reside upon the said living during the time mentioned in, and according to the true intent and meaning of the said act; he shall pay, or cause to be paid, the sum of ten pounds per centum per annum of the said principal money, by such yearly payments as aforesaid, instead of the said sum of five pounds per centum per annum; and shall and will continue such respective payments of the said interest, and on account of the said principal money, so long as he shall continue rector, vicar, &c. [*as the case shall be*] of the said parish and parish church, unless all the said principal money, and interest for the same, shall be sooner paid and discharged. Provided always, and these presents are upon this condition, that if the said A. B. and his successors, shall well and truly pay, or cause to be paid, the said principal money and interest for the same in manner and at the times aforesaid, according to the true intent and meaning of the said act and of these presents, and also all costs and charges which shall have been occasioned by the non-payment thereof, these presents, and every thing herein contained, shall cease and be void.]

Provided also, that it shall and may be lawful for the said A. B. and his successors, peaceably and quietly to hold, occupy, possess and enjoy, all and singular the said glebe lands, tithes, rents, moduses, composition for tithes, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising or to arise from or in respect of the said

living, until default shall be made by him or them respectively in the payment of the interest and principal, or some part thereof, at the times and in the manner aforesaid. In witness, &c.

Nomination of a Clergyman by the Bishop, to settle any Dispute about the Proportion of the Payments within the Year in which any Avoidance shall happen.

I, THE right reverend —— bishop of ——, pursuant to the authority of an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled ‘An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices,’ do hereby nominate the reverend ——, being a clergyman within my said diocese, to adjust and determine the matter in dispute between the reverend —— clerk, the present incumbent of the rectory, vicarage, &c. of ——, within my diocese, and —— the representatives of the ——, the last incumbent [*in case of his death*], or the said —— [*in case of his resignation or promotion*], concerning the due proportion to be paid by each of the said parties of the principal and interest which accrued due within the year in which such death or other avoidance happened, according to the direction, true intent, and meaning of the said act. Given under my hand, this —— day of ——.

Award and Determination of the Clergyman nominated by the Bishop.

I, THE reverend A. B. of ——, in the county of ——, and diocese of the bishop of ——, clerk, having been nominated by the said bishop, pursuant to the power given by an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled ‘An act to promote the residence of the parochial clergy, by making provision for

the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices,' to adjust and determine the matter in dispute between the reverend——, clerk, the present incumbent of the rectory, vicarage, &c. of —— within the said diocese, and —— the representatives of the last incumbent [*in case of his death*], or the said —— [*in case of his resignation or promotion*], concerning the due proportion to be paid by each of the said parties, of the principal and interest which accrued due within the year in which such [*death or avoidance*] happened, according to the direction and true intent and meaning of the said act; and having heard and duly considered the said matters so referred to me as aforesaid, do award, adjudge, and determine that the said —— shall pay, in respect of the interest and principal which became due within the year aforesaid, the sum of——; and that the said —— shall pay, in respect of the same, the sum of——, being the remainder thereof, according to the provision and direction of the said act. Given under my hand, this —— day of ——.

Appointment of the Nominee [to be wrote on Parchment].

WE whose names are subscribed, being the ordinary, patron, and incumbent of the rectory, vicarage, &c. of ——, within the county of —— and diocese of the bishop of ——, do hereby nominate and appoint ——, of ——, to receive the money authorised to be raised by an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled, 'An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices,' for the purpose of building, rebuilding, repairing or purchasing, the parsonage house, &c. [*as the case shall be*] to the said rectory, vicarage, &c., belonging; and to pay and apply the same, and to enter into contracts with proper persons for such buildings or repairs; and to inspect and take care of the execution of such contracts; and to take such receipts and vouchers, keep such

accounts, and do and perform all such other matters and things, which nominees are authorised and required to do and perform in and by the said act; the said —— having given security for the due application thereof, according to the direction of the said act. Given under our hands, this —— day of ——.

Form of Order of the Ordinary, Patron, and Incumbent, for laying out or applying the Surplus Money.

WE whose names are subscribed, being the ordinary, patron, and incumbent of the rectory, vicarage, &c. of ——, in the county of ——, and diocese of the bishop of ——, do hereby order, that the sum of ——, now remaining in the hands of —— the person nominated and appointed to receive and apply the money raised for building, repairing, &c. the parsonage house, &c. belonging to the said rectory, vicarage, &c. under the act of parliament passed in the seventeenth year of the reign of his majesty King George the Third, intituled, ‘An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices,’ shall be (paid to ——, being the person entitled to receive the money now remaining due on the mortgage made of the glebe lands, tithes, and other profits and emoluments of the said living, and applied in part of payment thereof, pursuant to the direction of the said act) or (applied in building or repairing, &c. [*describing the same*]) upon the glebe belonging to the said living). Given under our hands, this —— day of ——.

Form of Certificate from the Two Clergymen.

WE the reverend A. B. of ——, in the county of ——, clerk, and C. D. of ——, clerk, being two clergymen within the diocese of the bishop of ——, do hereby certify to the said bishop, pursuant to the directions and instructions sent by him to us, that we have made enquiry into the state and

condition of the buildings upon the glebe belonging to the rectory, vicarage, &c. of ——, within the said diocese, at the time the reverend ——, clerk, the present incumbent thereof, entered upon the said living, which was in or about the year of our Lord ——, and do find (that the same have been kept in due and common repair, without any wilful neglect [*if the case is so*] or (that the same have, by wilful negligence, been suffered to go to decay, and that they have sustained damage, from a want of common and ordinary repair, to the amount of —— pounds); and we have also enquired into the money received by the said —— for dilapidations, from the representatives of the former incumbent, and do find, that he hath received the sum of —— for such dilapidations; and (that he hath expended the whole, or —— thereof [*as the case may be*] in the necessary repairs of the buildings) or (that the same hath not been laid out or expended in repairing the buildings) upon the glebe belonging to the said living. Given under our hands, this —— day of ——.

*Form of the Deed of Sale, or Exchange, of Lands or Tithes
belonging to the Living or Benefice.*

THIS indenture, made the —— day of ——, in the —— year of the reign of his majesty King George the ——, and in the year of our Lord ——, between A. B. ordinary of the rectory [*vicarage, chapelry, or perpetual cure, as the case shall be*] of ——, in the county of ——, C. D. of ——, patron of the said rectory, &c., and the reverend E. F., clerk, incumbent of the said rectory, &c. of the one part; and G. H. of ——, of the other part. Whereas, in the execution of an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled, 'An act,' &c. [*here set forth the title of the act*], it hath been found convenient to purchase [*or exchange, as the case shall be*] certain lands, &c. [*describe particularly the lands purchased*] lying near and convenient to the parsonage house belonging to the said rectory, &c. [*or, if the house be lately purchased*], (lying near a certain messuage, house, or tenement, and buildings, lately purchased for the habitation of

the minister of the said rectory, &c. under the powers of the said act); and it hath been found most convenient, and agreed by the said ordinary, patron, and incumbent, that the glebe lands [*or tithes, as the case shall be*] herein-after described, belonging to the said rectory, &c. shall be sold, to raise the sum of——, being the purchase-money for the said lands herein-before described, [*or exchanged, if the same is to be done by exchange, in order to make an equivalent for such lands*], and a contract hath been made with the said G. H. for the absolute sale, at the price or sum of—— [*or exchange, as the case shall be*] of part of the glebe land [*or of the tithes, as the case shall be*] belonging to the said rectory, &c. herein-after mentioned; that is to say, [*here describe the particulars of the land or tithes proposed to be sold or exchanged*]; which contract is hereby ratified and confirmed by the said ordinary, patron, and incumbent: Now this indenture witnesseth, that the said A. B., C. D., and E. F., in order to carry the said contract into execution, and to fulfil the purposes of the said recited act, in pursuance of the powers thereby to them given, and in consideration of the sum of——, the receipt whereof is acknowledged on the back of this deed; which sum hath been paid and applied in the purchase of the lands herein-before described; have, and each of them hath granted, bargained, and sold [*and exchanged, if the same be by exchange*], and by these presents do, and each of them doth grant, bargain sell, [*and exchange, if by exchange*], unto the said G. H. and his heirs and assigns, all, &c. [*here describe the lands or tithes, as the case shall be*] with their and every of their rights, privileges, and appurtenances, to hold to and to the use of the said G. H., his heirs and assigns for ever. (*If done by exchange, add the following words: In exchange for certain lands which belonged to the said G. H., and are, by indentures of equal date, herewith exchanged and conveyed to the said C. D., in trust, for the sole use and benefit of the said E. F. and his successors, rectors, vicars, &c. [as the case shall be] of the said living or benefice, for the time being, for ever*). And the said A. B., C. D., and E. F. do hereby severally covenant for themselves, their several executors and administrators, to and with the said G. H.

his heirs and assigns, that they, nor any of them, have or hath done any act whereby the said lands [*or* tithes, *as the case shall be*] can or may be incumbered; and that the said G.H., his heirs and assigns, shall and may, from time to time, for ever hereafter, peaceably and quietly hold and enjoy the said glebe lands *or* tithes, [*as the case shall be*] according to the true intent and meaning of the said act, without any lett, hindrance, or interruption, of or from them or any of them. In witness, &c.

Form of the Deed of Purchase or Exchange of Buildings or Lands to be annexed to the Living or Benefice.

THIS indenture, made the —— day of ——, in the —— year of the reign of his majesty King ——, and in the year of our Lord ——, between A. B. of ——, of the one part, C. D. ordinary of the rectory, vicarage, chapelry, or perpetual cure [*as the case shall be*] of ——, in the county of ——, E. F., of ——, patron of the said rectory, &c. and the reverend G. H. clerk, incumbent of the said rectory, &c., of the other part. Whereas there is no parsonage house belonging to the said rectory, &c. ([*or*] the parsonage house belonging to the said rectory, &c. is become so ruinous and decayed [*or* so mean] that it is not fit for the habitation of the minister of the said rectory, &c.) and one year's neat income or produce of the said living or benefice will not be sufficient to re-build or repair the said house, with the necessary offices belonging thereto: and whereas a certain messuage, house, or tenement, with the buildings thereunto belonging, situate in ——, the property of the said A. B., and lying within the distance of —— yards from the church [*or* chapel, *as the case shall be*] of the said rectory, &c., appears to the said ordinary, patron, and incumbent, proper and convenient for the habitation and use of the minister of the said rectory, &c. (and more commodious than the present house and buildings upon the glebe of the said rectory, &c.) [*in cases where there are any*]; and a contract hath been made, by the direction and with the approbation and consent of the said ordinary, patron, and incumbent, with the said

A. B.; which is hereby ratified and confirmed by the said ordinary, patron, and incumbent, for the absolute purchase of the said messuage, house, or tenement, and buildings, for the price or sum of ———, pursuant to the directions of an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled, An act, &c., [*set forth the*

This to be inserted when the lands are purchased from the same person who sells the house and buildings.

title of the act :— (And whereas a contract has likewise been made with the said A. B., by the like direction, approbation, and consent, which is hereby likewise ratified and confirmed by the said ordinary, patron, and incumbent, for the absolute purchase of the inheritance of a certain yard, garden, orchard, and piece or parcel of land [*describing them particularly, as the case shall be*] lying near or convenient to the said messuage, house, tenement, and buildings, containing, by admeasurement, ———, for the price or sum of ———, which have been agreed by the said ordinary, patron, and incumbent, to be raised by the sale [*or exchange*] of certain lands, *or* tithes [*as the case shall be*] belonging to the said rectory, &c. herein-after described, pursuant to the powers given by the said act; viz. [*here give a full description of the land so agreed to be sold*]; (*if the equivalent is to be by exchange, then, after the word* incumbent, *last mentioned, insert* [and the said A. B. to be exchanged for] certain lands or tithes, &c. [*as above*]): Now this indenture wit-

nesseth, that the said A. B., for and in consideration of the said several sums of ———, and ——— to him in hand paid for the purchases aforesaid [*if both the buildings and lands are purchased for money*]; [*but if the equivalent for the land is to be by exchange then*] (in consideration of the said sum of ———, for the purchase of the said messuage, house, or tenement, and buildings, and in consideration of the land, [*or tithes, as the case shall be*] so agreed to be exchanged as aforesaid, and intended to be conveyed to him the said A. B. by the said ordinary, patron, and incumbent, by indenture of equal date herewith) the receipt of which said sum [*or sums of money, as the case shall be*] (and acknowledgment of the said

exchange) [*if the equivalent for the land is to be by exchange,*] the said A. B. hath admitted by an indorsement on the back of this deed, hath granted, bargained and sold, and by these presents doth grant, bargain, and sell [*if by exchange*] (hath granted, bargained, sold, and exchanged with and) unto the said E. F. and his heirs, all, &c. [*here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges, and appurtenances,*] to hold to the said E. F. and his heirs, in trust for the sole use and benefit of the said G. H. and his successors, rectors, vicars, &c. [*as the case shall be*] of the said living or benefice, for the time being, for ever: and the said A. B., for himself, his heirs, executors, and administrators, doth covenant and agree to and with the said E. F. and his heirs, that, he hath good right to convey the said messuage, house, or tenement, and buildings, lands, &c. [*as the case shall be*], and that he will warrant the same, for the uses and purposes aforesaid, for ever, free from all claims, charges, and incumbrances whatsoever, by, from, or under him, or any of his ancestors. In witness, &c.

Form of Certificate of Residence.

WE A. B., rector, vicar, or officiating minister [*as the case shall be*] of the parish of ———, in the diocese of ———, clerk, and C. D. rector, vicar, or officiating minister [*as the case shall be*] of the parish of ———, within the said diocese, clerk, — which said parishes of ——— and ——— are near adjoining to the parish of ———, within the said diocese, do hereby certify, that E. F., rector, vicar, or incumbent [*as the case shall be*] of the said parish and parish church of ——— aforesaid, hath resided upon his living or benefice, within that parish, for the space of twenty weeks, between the ——— day of ——— and the ——— day of ——— last. Given under our hands, this ——— day of ———.

Form of Consent where the Living or Benefice shall be in the Patronage of the Crown, or within the Duchy of Lancaster.

WHEREAS the living or benefice of ———, within the diocese of ———, is in the patronage of the crown, and rated

above or under [*as the case shall be*] twenty pounds per annum in the King's books, or of the Chancellor of the duchy of Lancaster, [*as the case shall be*]; and application hath been made for building, rebuilding, repairing, or purchasing, or exchanging, [*as the case shall be*] the parsonage house, or other buildings or land [*as the case shall be*] for the use of the said living or benefice, in pursuance of the powers given for that purpose, by an act passed in the seventeenth year of the reign of his majesty King George the Third, intituled 'An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices: ' now I, the Right Honourable ——— First Lord Commissioner of the Treasury, Lord High Chancellor of Great Britain, or Chancellor of the duchy of Lancaster [*as the case shall be*] being satisfied that such building, rebuilding, repairing, purchasing, or exchanging, &c. [*as the case shall be*] will be an improvement and advantage to the said living or benefice, do hereby consent, that such buildings, repairs, purchases, or exchanges, [*as the case shall be*] shall be made, according to the directions and the true intent and meaning of the said act. Given under my hand, this ——— day of ———.

21° GEORGE III. Cap. 66.

An Act to explain and amend an Act made in the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses, and other necessary Buildings and Tenements, for the Use of their Benefices.

Preamble. WHEREAS by an act, passed in the seventeenth year of the Recital of reign of his present Majesty, intituled, 'An act to promote the 17 G. 3. ' residence of the parochial clergy, by making provision for c. 53.

the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices;’ it is enacted, amongst other things, that the incumbent of every living or benefice, of which the glebe, tithes, rents, and profits, shall be mortgaged for the purposes of the said act, shall pay the interest arising upon every such mortgage, yearly, as the same shall become due; and also five pounds per centum per annum, if such incumbent was resident, and ten pounds per centum per annum, if non-resident, of the principal remaining due, by yearly payments; which words, if literally understood, and observed, would, contrary to the true intent and meaning of the said act, render the discharge of the principal sum impracticable, and thereby discourage persons from lending money upon such securities; be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the incumbent of every living or benefice of which the glebes, tithes, rents, and profits, have been or shall be mortgaged for the purposes of the said act, shall, from and after the passing of this act, well and truly pay, or cause to be paid, to every such mortgagee, over and besides the interest of the principal money due upon such mortgage, the sum of five pounds per centum per annum, if resident, or ten pounds per centum per annum, if non-resident, of the money originally advanced upon such mortgage, until the whole of the said principal money shall be discharged; and if, upon any such mortgage or mortgages already made, less shall have been paid by the present incumbent than what is hereby directed to be paid, he shall, and he is hereby required, within six months after the passing of this act, to make up the deficiency; and in default of payment thereof within the time aforesaid, the same shall be recovered in such and the same manner as the interest is recoverable by virtue of the provisions in the said recited act.

II. And be it further enacted, that the forms contained in the said schedule respecting the allowance of accounts, and the bond and receipt to be given by the nominee, as directed by the said recited act, or forms to the like effect, shall be

The incumbent of every living, whereof the glebes, &c. have been or shall be mortgaged for the purposes of the recited act, shall pay to the mortgagee, besides interest, 5 per cent. per ann. of the principal, if resident, or 10 per cent. if non-resident.

Forms in the schedule to be observed.

observed and complied with in the execution of this and the said recited act.

Public
act.

III. And be it further enacted, that this act, and every thing herein contained, shall be deemed, adjudged, and taken to be a public act; and shall be judicially taken notice of as such, by all judges, justices, and other persons, whomsoever, without specially pleading the same.

STATE of account of the money advanced and paid by A. B. [rector or vicar, *et cetera, as the case shall be*] of the living of——, in the county of——, for the building [rebuilding, or repairing] the parsonage house and buildings belonging to the said living, according to the direction of a statute made in the seventeenth year of the reign of his majesty King George the Third.

C. D. Ordinary.
E. F. Patron.
G. H. Incumbent.

Form of Allowance of the Nominee's Account of the Money received and expended by him pursuant to the Directions of the said Statute of the Seventeenth of George the Third, to be written at the Foot of such Account.

WE have examined, and do hereby approve and allow, the above account. Given under our hands, this —— day of ——.

A. B. Ordinary.
C. D. Patron.
E. F. Incumbent.

Receipt to be signed by the Nominee for the Money which shall be borrowed and paid into his Hands, pursuant to the Direction of the said Act.

I, A. B., being the person nominated by the ordinary, patron, and incumbent, of the rectory [vicarage, *et cetera, as the case shall be*] of ——, in the county of ——, and diocese of the bishop of ——, to receive and apply the money authorised to be borrowed by mortgage of the glebe, tithes,

rents, and other profits and emoluments of the said ——— for the purpose of building [re-building, or repairing, *as the case shall be*] the parsonage house [*or* outbuildings, *et cetera, as the case shall be*] belonging to such living or benefice, do hereby acknowledge to have received from the hands of C. D., being the person to whom such mortgage is intended to be made, the sum of ——— being the sum for which such mortgage or security is to be made: and I do hereby promise to apply the same in such manner and for such purposes as are directed by the said act.

Form of Bond to be given by the Nominee and his Surety, pursuant to the Direction of the said Act.

OBLIGATION of the bond [*in the common form of obligations*] from A. B. [*describing him as in the last form of receipt*] and C. D., of *et cetera* [*describing the surety*] to ——— [*describing the ordinary*] in the penal sum of ——— [*to be double the sum for which the security is to be given, et cetera, et cetera.*]

Form of the Condition of the said Bond.

THE condition of the above obligation is such, that if the said A. B. [*naming the nominee as before mentioned*] shall and do justly and truly pay and account for the sum of ——— received by him this day from C. D, being the person to whom a mortgage hath been this day made and executed of the glebe, tithes, rents, and other profits and emoluments, of the rectory [vicarage, *et cetera, as the case shall be,*] of ———, the purpose of building [rebuilding, or repairing] of the said rectory, *et cetera, [as the case shall be,*] according to the true intent and meaning of two several acts of parliament, passed in the seventeenth and twenty-first years of the reign of his majesty King George the Third, for those purposes; then this obligation to be void, or otherwise to remain in force.

A. B.

C. D.

43° GEORGE III. Cap. 107.

An Act for effectuating certain Parts of an Act, passed in the Second and Third Years of the Reign of Her late Majesty Queen Anne, intituled, ' An Act for the making more effectual Her Majesty's gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy, by enabling Her Majesty to grant in Perpetuity the Revenues of the First Fruits and Tenths ; and also for enabling any other Persons to make Grants for the same Purpose,' so far as the same relate to Deeds and Wills made for granting and bequeathing Lands, Tenements, Hereditaments, Goods, and Chattels, to the Governors of the Bounty of Queen Anne, for the Purposes in the said Act mentioned ; and for enlarging the Powers of the said Governors.

2 & 3
Anne, c. 11.
reciting,
that persons
were em-
powered to
grant
estates, &c.
in their
own right,
to the go-
vernors of
the bounty
of Queen
Anne,
towards the
augmenta-
tion of the
main-
tenance of
the clergy.

WHEREAS by an act, made in the second and third years of the reign of her late majesty Queen Anne, intituled, ' An act for the making more effectual her Majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majesty to grant in perpetuity the revenues of the first fruits and tenths ; and also for enabling any other persons to make grants for the same purpose ;' after reciting, amongst other things, that for the encouragement of such well-disposed persons as should, by her Majesty's royal example, be moved to contribute to so pious and charitable a purpose, and that such their charity might be rightly applied, it was amongst other things enacted, that all and every person and persons having in his or their own right any estate or interest, in possession, reversion, or contingency, of or in any lands, tenements, or hereditaments, or any property of or in any goods or chattels, should have full power, license, and authority, at his, her, and their will and pleasure, by deed enrolled in such manner and within such time as is directed by the statute made in the twenty-seventh year of the reign of King Henry the Eighth, for enrolment of bargains and sales, or by his, her, or their last will or testament in writing, duly executed according to law,

to give and grant to and vest in the corporation thereby authorised, and since erected under the name of The Governors of the Bounty of Queen Anne,' and their successors, all such his, her, or their estate, interest, or property in such lands, tenements, and hereditaments, goods, and chattels, or any part or parts thereof, for and towards the augmentation of the maintenance of such ministers officiating in such church or chapel where the Liturgy and rites of the said church were or should be so used or observed, as in the same act were mentioned, and having no settled competent provision belonging to the same; and to be for that purpose applied according to the will of the said benefactor, in and by such deed enrolled, or by such will or testament executed as aforesaid, expressed; and in default of such direction, limitation, or appointment, in such manner as by her Majesty's Letters Patent should be directed or appointed as aforesaid; and such corporation, and their successors, should have full capacity and ability to purchase, receive, take, hold, and enjoy for the purposes aforesaid, from such persons as should be so charitably disposed to give the same, any manors, lands, tenements, goods, or chattels, without any license or writ of *ad quod damnum*, the statute of mortmain or any other statute or law to the contrary notwithstanding: And it was by the same act provided, that that act, or any thing therein contained, shall not extend to enable any person or persons being within age, or of non-sane memory, or women covert without their husbands, to make any such gift, grant, or alienation, any thing in that act contained to the contrary in anywise notwithstanding: And whereas the beneficial effect and operation of the said act have been considerably obstructed and retarded by an act, passed in the ninth year of the reign of his late majesty King George the Second, intituled, 'An act to restrain the disposition of lands, whereby the same become unalienable;' for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of the said act of her late majesty Queen Anne, as is herein recited, shall be and remain in full force and effect, the said act of his late

9 G. 2.
c. 36.

So much of
the recited
act of 2 & 3
Anne shall
remain in
force,

notwith-
standing
9 G. 2.
c. 36.
1 G. 1.
c. 10.
Power of
exchanging
lands, &c.
thereby
granted,
extended to
every aug-
mented
living.

Where
there is no
suitable
parsonage
house, the
governors
may pro-
vide one.

majesty King George the Second, or any other act or law to the contrary notwithstanding.

II. And whereas by an act, passed in the first year of the reign of his late majesty King George the First, intituled, 'An act for making more effectual her late Majesty's gracious intentions for augmenting the maintenance of the poor clergy,' it was amongst other things enacted, That it should be lawful, with the concurrence of the said governors of the bounty of Queen Anne, and the incumbent, patron, and ordinary of any augmented living, or cure, to exchange all or any part of the estate settled for the augmentation thereof, for any other estate in lands or tithes of equal or greater value, to be conveyed to the same uses; be it also enacted, that the said power shall be, and the same is hereby extended to all the messuages, buildings, and lands belonging to every such augmented living or cure.

III. And be it further enacted, That where a living shall have been or shall be augmented by the said governors, either by way of lot or benefaction, and there is no parsonage house suitable for the residence of the minister, it shall and may be lawful for the said governors, and they are hereby empowered, from time to time, in order to promote the residence of the clergy on their benefices, to apply and dispose of the money appropriated for such augmentation, and remaining in their hands, or any part thereof, in such manner as they shall deem most adviseable, in or towards the building, rebuilding, or purchasing a house, and other proper erections within the parish, convenient and suitable for the residence of the minister thereof; which house shall for ever thereafter be deemed the parsonage house appertaining to such living, to all intents and purposes whatsoever; any thing in any act or acts, or the rules of the said governors contained to the contrary notwithstanding.

43° GEORGE III. Cap. 108.

An Act to promote the building, repairing, or otherwise providing of Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Church-Yards and Glebes.

WHEREAS a sufficient number of churches and chapels for the celebration of Divine service, according to the rites and ceremonies of the united church of England and Ireland, and of mansion-houses, with competent glebes for the residence of ministers officiating in such churches and chapels, is necessary towards the promotion of religion and morality: And whereas the same are either wholly wanting or materially deficient in many parts of England and Ireland: And whereas well-disposed persons would be desirous of contributing towards the supply of such defects, if they were enabled so to do in the manner herein-after directed: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons having in his or their own right any estate or interest in possession, reversion, or contingency, of or in any lands or tenements, or of any property of or in any goods or chattels, shall have full power, license, and authority, at his and their will and pleasure, by deed inrolled in such manner, and within such time as is directed in England by the statute made in the twenty-seventh year of the reign of King Henry the Eighth, and in Ireland by the statute made in the tenth year of the reign of King Charles the First for inrolment of bargains and sales, or by his, her, or their last will or testament, in writing, duly executed according to law, such deed, or such will or testament, being duly executed three calendar months at least before the death of such grantor or testator (including the days of the execution and death), to give and grant to, and vest, in any person or persons, or body politic

Persons by deed or will may give lands not exceeding five acres, or goods and chattels not exceeding 500*l.* for the purposes of this act.

or corporate, and their heirs and successors respectively, all such his, her, or their estate, interest, or property in such lands or tenements, not exceeding five acres, or goods and chattels, or any part or parts thereof, not exceeding in value five hundred pounds, for or towards the erecting, rebuilding, repairing, purchasing, or providing any church or chapel where the Liturgy and rites of the said united church are or shall be used or observed, or any mansion-house for the residence of any minister of the said united church, officiating, or to officiate in, any such church or chapel; or of any out-buildings, offices, church-yard, or glebe for the same respectively, and to be for those purposes applied, according to the will of the said benefactor in and by such deed enrolled, or by such will or testament, executed as aforesaid, expressed, the consent and approbation of the ordinary being first obtained; and in default of such direction, limitation, or appointment, in such manner as shall be directed and appointed by the patron and ordinary, with the consent and approbation of the parson, vicar, or other incumbent; and such person and persons, bodies politic and corporate, and their heirs and successors respectively, shall have full capacity and ability to purchase, receive, take, hold, and enjoy, for the purposes aforesaid, (as well from such persons as shall be so charitably disposed to give the same, as from all other persons as shall be willing to sell or aliene to such person or persons, bodies politic or corporate,) any lands or tenements, goods, or chattels, without any licence or writ of *ad quod damnum*, the statute of mortmain, or any other statute or law to the contrary notwithstanding: Provided always, that this act, or any thing therein contained, shall not extend to enable any person or persons being within age, or of non-sane memory, nor women covert without their husbands, to make any such gift, grant, or alienation; any thing in this act contained to the contrary in anywise notwithstanding.

But such powers not to extend to persons within age, insane, or *femes covert*.

Only one such gift shall be made by one person, and where it exceeds five acres

II. Provided also, and it is hereby further enacted, that no more than one such gift or devise shall be made by any one person; and that if any such gift or devise as aforesaid shall happen to exceed five acres in lands or tenements, or the value of five hundred pounds in goods and chattels, every such gift or devise shall be good and valid to the

extent aforesaid; and it shall be lawful for the Lord Chancellor for the time being, on petition, to make order for reducing every such gift or devise to and within the said limits, and for allotting such specific five acres, and if occasion should require, such specific goods and chattels as in his judgment shall be most convenient, and to make such further order touching the premises as to him shall appear just and reasonable.

III. Provided also, that no glebe containing upwards of fifty acres, shall be augmented with more than one acre under or by virtue of this act, but that the excess, if any, given or devised for the purpose of such augmentation, shall be reduced in manner aforesaid by the said Lord Chancellor, and such order thereupon shall be by him made as herein-before is directed in the case of an excess beyond five acres.

IV. And whereas it often happens that small plots of land held in mortmain lie convenient to be annexed to some such church or chapel, or house of residence as aforesaid, or to some church-yard or curtilage thereto belonging, or convenient to be employed as the site of some such church or chapel, or house to be hereafter erected, and for the necessary and commodious use and enjoyment thereof, and that they might be so employed to the advantage of the public, and without detriment to the proprietors thereof, if they were enabled to give and grant the same for the purposes aforesaid; be it therefore further enacted, that it shall be lawful for every body politic or corporate, sole or aggregate, by deed enrolled as aforesaid, with or without confirmation, as the law may require, to give and grant, either by way of exchange or benefaction, any such small plot of land not exceeding one acre, to any person or persons, body politic or corporate, his and their heirs and successors respectively, to be held, used, and applied for the purposes aforesaid; and such last mentioned person and persons, bodies politic and corporate, and their heirs and successors respectively, shall have full capacity and ability, with consent of the incumbent, patron, and ordinary, to take, hold, and enjoy such small plot of land for the purposes aforesaid, without any licence or writ of *ad quod damnum*, the statute of

or 500l. the Chancellor may reduce it.

No glebe upwards of 50 acres shall be augmented with more than one acre.

Plots of land not exceeding one acre held in mortmain, lying convenient to be annexed to some church, &c. may be granted either by exchange or benefaction for that purpose.

mortmain, or any other act or law to the contrary notwithstanding.

Accommodation to be provided for persons resorting to church, &c.

V. Provided also, and it is hereby further enacted and declared, that in every parochial church or chapel hereafter to be erected, ample provision shall be made for the decent and suitable accommodation of all persons, of what rank or degree soever, who may be entitled to resort to the same, and whose circumstances may render them unable to pay for such accommodations.

Rights of giving or devising not affected.

VI. Provided also, that nothing in this act contained shall be construed to take away or abridge any right of giving or devising which already exists in any person whatsoever.

51° GEORGE III. Cap. 115.

An Act for amending the Act Forty-third George Third to promote the building, repairing, or otherwise providing the Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Church-Yards and Glebes.

43 G. 3.
c. 108.

WHEREAS by an act passed in the forty-third year of his present Majesty's reign, intituled 'An act to promote the building, repairing, or otherwise providing of churches and chapels, and of houses for the residence of ministers, and the providing of church yards and glebes;' it was enacted, That every person and persons having in his or their own right any estate or interest in possession, reversion, or contingency of or in any lands or tenements, or of any property of or in any goods or chattels, should have full power, licence, and authority, by deed enrolled, in such manner, and within such time as is directed in England by the statute made in the twenty-seventh year of the reign of King Henry the Eighth, and in Ireland by the statute made in the tenth year of the reign of King Charles the First, for enrolment of bargains and sales; or by his, her, or their last will or testament in writing, duly executed according to law, such deed or such will or testament being duly executed three calendar months at least before the death of such grantor or testator, including the days of the execution and death, to give and grant to

and vest in any person or persons, or body politic or corporate, and their heirs and successors respectively, all such his, her, or their estate, interest, or property in such lands or tenements not exceeding five acres, or goods and chattels, or any part or parts thereof, not exceeding in value five hundred pounds, for or towards the erecting, rebuilding, repairing, purchasing, or providing any church or chapel where the liturgy and rites of the said united church are or shall be used or observed, or any mansion-house for the residence of any minister of the said united church, officiating or to officiate in any such church or chapel, or of any outbuildings, offices, church yard, or glebe for the same respectively, and to be for those purposes applied according to the will of the said benefactor in and by such deed enrolled, or by such will or testament executed as aforesaid expressed (the consent and approbation of the ordinary being first obtained), and in default of such direction, limitation, or appointment, in such manner as shall be directed and appointed by the patron and ordinary, with the consent and approbation of the parson, vicar, or other incumbent; and such person and persons, bodies politic and corporate, and their heirs and successors respectively, should have full capacity and ability to purchase, receive, take, hold, and enjoy for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same, as from all other persons as shall be willing to sell or alien to such person or persons, bodies politic or corporate, any lands or tenements, goods or chattels, without any licence or writ of *ad quod damnum*: And whereas doubts have arisen whether the powers and provisions of the said act will enable his Majesty to make any such grant for the purposes before mentioned: And whereas it is expedient that the powers of the said act should be extended for that purpose; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the King's most excellent Majesty, his heirs and successors, shall have full power, licence, and authority, by deed or writing under the great seal, or under the seal of his duchy and county palatine of

His Majesty may vest lands in any person for

building or repairing any church or chapel, or any house for the residence of a minister.

1 Annæ,
c. 7.

No grant to exceed five acres.

Any person having the fee simple of any manor may grant five acres of the waste for ecclesiastical purposes.

Lancaster, to give and grant and vest in any person or persons, bodies politic or corporate, and their heirs and successors respectively, all such his, her, or their estate, interest, or property in any lands or tenements within the survey of the Court of Exchequer, or of the duchy of Lancaster, for or towards the erecting, rebuilding, repairing, purchasing, or providing any church or chapel where the liturgy and rites of the said united church are or shall be used or observed, or any mansion house for the residence of any minister of the said united church, officiating or to officiate in any such church or chapel, or of any outbuildings, offices, church-yard or glebe for the same respectively, and to be for those purposes applied in and by such deed as aforesaid expressed, the consent and approbation of the ordinary being first obtained, and such person and persons, bodies politic and corporate, and their heirs and successors respectively, shall have full capacity and ability to receive, take, hold, and enjoy, for the purposes aforesaid, any lands or tenements, notwithstanding the statute of mortmain, or the act of the first year of her late majesty Queen Anne, intituled, 'An act for the better support of her Majesty's household, and the honour and dignity of the crown,' or any other act or acts, or other impediment or disability whatsoever: Provided always, that nothing in this act contained shall extend or be construed to extend to enable his Majesty, his heirs and successors, to grant more than five acres in any one grant for any of the purposes aforesaid, or to alter or amend any of the provisions of the said act of the forty-third year of his present Majesty, which are not herein-before specially named and mentioned.

II. And be it further enacted, by the authority aforesaid, that it shall be lawful for any person or persons, bodies politic or corporate, seised of or entitled to the entire and absolute fee simple of any manor, by deed, under the hand and seal, or hands and seals, of any such person or persons, and under the seal or seals of any such body or bodies politic or corporate, and enrolled in the Court of Chancery, to grant to the rector, vicar, or other minister of any parish church and his successors, or to the curate or minister of any chapel and his successors, any parcel or parcels of land not exceeding in the whole the quantity of five statute acres,

parcel of the waste of such manor, and lying within the parish where such church or chapel shall be or shall be intended to be erected, or within any extra parochial district wherein any such chapel shall be or shall be intended to be erected, for the purpose of erecting thereon or enlarging any such church or chapel, or for a church yard or burying ground, or enlarging a church-yard or burying ground for such parish or extra parochial place, or for a glebe for the rector, vicar, curate, or other minister, of any such church or chapel, to erect a mansion house or other buildings thereon, or make other conveniences for the residence of such rector, vicar, curate, or other minister, freed and absolutely discharged of and from all rights of common thereon, and any statute prohibiting any alienation in mortmain, or other statute, law, or custom to the contrary notwithstanding: Provided always, that no grant whatsoever shall be made of any land whatsoever, for any of the purposes authorised by this act, unless the church or chapel, for the benefit whereof, or of the minister whereof such grant shall be made, shall be a parochial church or chapel for the service of the united church of England and Ireland, duly authorised by law, or a church or chapel duly consecrated for the service of such church, or erected or to be erected for such purpose, by and with the licence and consent of the ordinary of the diocese wherein the same shall be.

Grants
restricted
to parochial
churches or
chapels.

55° GEORGE III. Cap. 147.

An Act for enabling Spiritual Persons to exchange the Parsonage or Glebe Houses or Glebe Lands, belonging to their Benefices, for others of greater Value, or more conveniently situated for their Residence and Occupation; and for annexing such Houses and Lands, so taken in exchange, to such Benefices, as Parsonage or Glebe Houses and Glebe Lands, and for purchasing and annexing Lands to become Glebe in certain Cases, and for other Purposes.

WHEREAS in divers ecclesiastical benefices, perpetual curacies, and parochial chapelries, the glebe lands, or some part or

parts thereof, lie at a distance from and are inconvenient to be occupied with the parsonage or glebe houses ; and the parsonage or glebe houses of divers benefices, perpetual curacies, and parochial chapelries, are mean and inconvenient ; and it would often tend much to the comfort and accommodation, and thereby also to promote the residence of the incumbents of such benefices, perpetual curacies, and parochial chapelries, if the glebe lands and parsonage or glebe houses thereof could be by law exchanged for other lands of greater value, or more conveniently situated, and for other and more convenient houses : And whereas there are also divers lands and tenements which have been accustomed to be granted or demised by the incumbent for the time being of certain ecclesiastical benefices, perpetual curacies, or parochial chapelries, for one, two, or three lives, or for a term or terms of years absolutely or determinable on a life or lives, as being holden by copy of court roll or otherwise, under some manor or lordship belonging to such benefices, perpetual curacies, or parochial chapelries, and it would therefore be advantageous to the said benefices if the same lands and tenements, or some of them, or some part thereof, were annexed as glebe to the living or benefice to which they belong : May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for the parson, vicar, or other incumbent for the time being, of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, by deed indented, and to be registered in manner herein after mentioned, and with the consent of the patron of such benefice, perpetual curacy, or parochial chapelry, and of the bishop of the diocese wherein the same is locally situate (to be signified as hereinafter is mentioned), to grant and convey to any person or persons, and to his, her, or their heirs and assigns, or otherwise, as he or they shall direct or appoint, or to any corporation, sole or aggregate, and his or their successors, the parsonage or glebe house, and the outbuildings, yards, gardens, and appurtenances thereof,

Power to exchange parsonage houses and glebe lands for other houses and lands.

and the glebe lands, and any pastures, feedings, or rights of common, or way appendant, appurtenant, or in gross, or any or either of such house, outbuildings, yards, gardens, and glebe lands, pastures, feedings, or rights of common or way, or any part or parts thereof, belonging to any such benefice, perpetual curacy, or parochial chapelry, in lieu of and in exchange for any house, outbuildings, yards, gardens, and appurtenances, and any lands, or any or either of them, whether lying within the local limits of such benefice, perpetual curacy, or parochial chapelry or not, but so as that the same be situate conveniently for actual residence or occupation by the incumbent thereof, the same also being of greater value or more conveniently situated than the premises so to be given in exchange, and being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor belonging to the same benefice, and also for the parson, vicar, or incumbent for the time being of the same benefice, perpetual curacy, or parochial chapelry, by the same or a like deed, and with the like consent, and testified as aforesaid, to accept and take in exchange to him and his successors for ever, from any person or persons, or corporation sole or aggregate, any other house, outbuildings, yards, gardens, easements, and appurtenances, and any other lands, or any or either of such house, outbuildings, yards, gardens, lands, easements, and appurtenances, the same respectively being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor belonging to the same benefice, and being of greater value or more conveniently situated, in lieu of and in exchange for such parsonage or glebe house, outbuildings, yards, gardens, glebe lands, and appurtenances, and such pastures, feedings, and rights of common or way, or any or either of them, so to be granted and conveyed, and which said house, outbuildings, yards, gardens, lands, and appurtenances so to be accepted and taken in exchange, by any parson, vicar, or other incumbent, shall for ever, from and after such grant and conveyance thereof, be the parsonage and glebe house and glebe lands and premises of the said benefice, perpetual curacy, or parochial chapelry to all intents and purposes whatsoever, and shall become annexed to the said benefice, perpetual curacy,

or parochial chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by such incumbent and his successors accordingly, without any licence or writ of *ad quod damnum*; and that the whole, or any part or parts of the said house, outbuildings, lands, and premises so to be annexed, which before such annexation were of copyhold tenure, shall for ever, from and after such annexation, become and be of freehold tenure, the statute of mortmain, or any other statute or law to the contrary notwithstanding: Provided always, that nothing in this act contained shall extend, or be construed to authorise the granting or conveying in exchange by any parson, vicar, or other incumbent, either at one and the same time, and by one and the same incumbent, or at different times, and by several incumbents, and in several portions, any greater quantity in the whole than thirty statute acres of the glebe lands of any benefice, perpetual curacy or parochial chapelry: Provided also, that in all cases when such exchange shall be made by any owner or owners having any less estate or interest than in fee simple of or in the messuage, buildings, lands, and premises so to be by him, her, or them granted or conveyed in exchange, or being any corporation aggregate or sole, or person or persons under any legal disability, the parsonage house, outbuildings, and glebe lands respectively to be so taken in exchange as aforesaid, shall at the time of making such exchange be of equal value with, or not of less value than the said messuage, buildings, lands, and premises respectively so to be granted and conveyed in exchange to such parson, vicar, or other incumbent.

Premises given in exchange to be subject to the same tithes, &c. as those taken in exchange (except in certain cases).

II. Provided always, that in all cases where the lands, or any part or parts thereof to be conveyed in exchange to any parson, vicar, or incumbent, and to be annexed as glebe to any benefice, perpetual curacy, or parochial chapelry, under the authority of this act, shall either separately or jointly with other lands or tenements be, at the time of such conveyance, by any means whatsoever, exempt or discharged from the render of tithes in kind, or subject to or covered by any modus, composition real, or prescription in lieu of tithes in kind, then the lands or premises to be conveyed in exchange by such parson, vicar, or incumbent, and which before

such exchange were glebe, of or belonging to the same benefice, perpetual curacy, or parochial chapelry, shall (unless it be agreed between the parties to such exchange that the same shall become and be subject to the render or payment of tithes in kind) from and immediately after such conveyance in exchange, (in case such first mentioned lands are situate in the same parish, vicarage, or parochial chapelry, with the said lands or premises before glebe thereof, or belonging thereto, but not otherwise,) become and be either exempt or discharged from tithes in kind, in like manner with, or [*as the case may be*] subject to or covered by the same modus, composition real, or prescription in lieu of tithes in kind, as the lands so to be conveyed in exchange to the said parson, vicar, or incumbent, were exempt or discharged from, or subject to, or covered by, before such exchange was made.

III. Provided also, and be it further enacted, that no incumbent of any benefice, perpetual curacy, or parochial chapelry, wherein or in respect whereof any such exchange as is authorised by this act shall have taken place, or his successors, shall at any time thereafter be evicted or ejected from the peaceable and quiet possession and enjoyment of the house, outbuildings, land, and premises, or any of them, which shall have been granted and conveyed in exchange to such incumbent, according to the provisions of this act, by or by reason or in consequence of any person or persons, or corporation sole or aggregate, claiming right thereto, through any title prior to that of or through any defect of title of the person or persons, or corporation sole or aggregate, granting or conveying the same in exchange; but nevertheless that it shall and may be lawful for such person or persons, or corporation, claiming such right, and he, she, or they is and are hereby authorised and empowered to have, use, exercise, and enjoy all such and the same powers and remedies in trying his, her, or their right to, and in obtaining and recovering possession of any house, outbuildings, land, and premises, or any of them, which shall have been granted in exchange by any such incumbent, as the person or persons, or corporation sole or aggregate, so claiming would, in case this act had not been made, have been enabled to use,

After the exchange the incumbent not to be evicted.

exercise, and enjoy in trying the right to and in recovering and obtaining possession of the house, outbuildings, land, and premises, or any of them, in exchange for which the same shall have been so granted and conveyed by any such incumbent, under the authority of this act.

Power to annex premises belonging to manors, and heretofore grantable and demisable as copyhold or otherwise.

IV. And be it further enacted, that from and after the passing of this act, it shall and may be lawful to and for the parson, vicar, or other incumbent of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, of or to which benefice, perpetual curacy, or parochial chapelry, any manor or lordship is parcel or appurtenant, and as parcel of or belonging to which manor or lordship any lands or tenements are or have been usually granted or demised, or grantable or demisable by copy of court roll, or otherwise, for any life or lives, or for any term or number of years absolutely or determinable on any life or lives, by deed indented (and to be registered as hereinafter mentioned), with the consent of the patron and bishop (to be testified as hereinafter mentioned), to annex to the said benefice, perpetual curacy, or parochial chapelry, as and for glebe land, or parsonage or glebe house or houses and buildings thereof, all or any part or parts of such lands or tenements, whether lying within the local limits of such benefice, perpetual curacy, or parochial chapelry, or not, and that from and after such annexation the said lands and tenements so annexed shall cease to be thereafter grantable or demisable by any incumbent of the said benefice, perpetual curacy, or parochial chapelry (otherwise than as glebe lands are or shall be by law grantable or demisable), but shall from thenceforth be and become, and be deemed and taken to be the glebe lands and parsonage or glebe house or houses of and annexed to such benefice, perpetual curacy, or parochial chapelry, for ever, to all intents and purposes whatsoever, without any licence or writ of *ad quod damnum*, the statute of mortmain, or any other statute or law to the contrary notwithstanding: Provided always, that no such annexation shall in anywise annul, determine, or affect any grant or demise then previously made and actually existing of the said lands and tenements so to be annexed as last aforesaid.

Such annexation not to annul existing grants or demises.

V. And whereas it is expedient to enlarge and amend the laws now in being for providing parsonage houses with suitable outbuildings and other accommodations for the residence of the clergy, by way of benefaction; be it further enacted, that where there shall be no existing parsonage or glebe house on any ecclesiastical benefice, perpetual curacy, or parochial chapelry, or where the existing parsonage or glebe house, or the outbuildings thereof, on any such benefice, perpetual curacy, or parochial chapelry, shall be inconvenient or too small or incommodiously situate, it shall be lawful, from and after the passing of this act, for any person or persons, being owners in fee simple, or for any corporation sole or aggregate, with or without confirmation [*as the case may require*], and by and with such consent, and to be signified as hereinafter mentioned, of the incumbent, patron, and bishop, to give, grant, and convey, by deed indented, and to be registered as hereinafter is mentioned, to any parson, vicar, or other incumbent of such benefice, curacy, or chapelry, for the time being, who shall also have power to accept the same, any messuage, outbuildings, yard, garden, orchard, and croft, or any of them, with their appurtenances, or any right of way, or other easement, whether lying within the local limits of such benefice, perpetual curacy, or parochial chapelry or not, but so as that the same be conveniently situate for actual residence or occupation by the incumbent thereof; and which messuage, outbuildings, yard, garden, orchard, and croft, with their appurtenances or right of way, or other easement, shall for ever from and after such grant and conveyance thereof be and become annexed to and be deemed and taken to be the parsonage or glebe house, outbuildings, yard, garden, orchard, croft, appurtenances, and right of way, or other easement of the said benefice, curacy, or chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by the said incumbent and his successors accordingly, without any licence or writ of *ad quod damnum*, the statute of mortmain, or any other statute or law to the contrary notwithstanding; and from and after such grant and annexation it shall be lawful for the incumbent for the time being of the said benefice, curacy, or chapelry, to which such grant and annexation shall have been made (with the consent

Power to annex parsonage houses, &c. by benefaction.

in writing of such patron and bishop under their hands and seals to be duly registered as hereinafter is mentioned), to take down and remove any parsonage or glebe house, and outbuildings, or any part thereof, which before such annexation belonged to the said benefice, curacy, or chapelry (if the same or part thereof cannot be better applied to the permanent advantage of such benefice, curacy, or chapelry), and with the like consent as aforesaid, to apply the materials, or the produce thereof, if sold, towards some lasting improvement of the said benefice, curacy, or chapelry: provided always, that nothing herein contained shall extend to enable any persons, being infants or lunatics, or femes covert without their husbands, to make any such gift, grant, or conveyance; any thing in this act contained to the contrary in anywise notwithstanding.

Recital of
statute,
17 G. 3.
c. 53.

21 G. 3.
c. 66.

Power to
purchase
land,

VI. And whereas an act was passed in the seventeenth year of the reign of his present Majesty, intituled 'An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices:' And whereas one other act was passed in the twenty-first year of the reign of his present Majesty, intituled 'An act to explain and amend an act made in the seventeenth year of the reign of his present Majesty, intituled, An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing, houses, and other necessary buildings and tenements, for the use of their benefices: ' And whereas there are many ecclesiastical benefices, perpetual curacies, and parochial chapelries to which no glebe land, or only a small portion of glebe land is belonging; and it is therefore expedient to enable the making provision by purchase, for the annexation of glebe land to such benefices, perpetual curacies, and parochial chapelries; be it therefore further enacted, that from and after the passing of this act it shall be lawful for the parson, vicar, or other incumbent for the time being, of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, the existing glebe whereof shall not exceed five statute acres, with the consent of the patron and

bishop, to be signified as hereinafter mentioned, to purchase any lands not exceeding in the whole twenty statute acres, with the necessary outbuildings thereon, whether being within the local limits of the said benefice, perpetual curacy or parochial chapelry, or not, but so as that the same be situate conveniently for building a parsonage or a glebe house, and outbuildings, and for gardens and glebe thereof, or for any of the said purposes, and for actual residence and occupation by the incumbent thereof, such land being of freehold tenure, or being copyhold of inheritance, or for life or lives, holden of any manor or lordship belonging to the same benefice, perpetual curacy, or parochial chapelry; and which lands so purchased shall for ever, from and after the grant and conveyance thereof, be and become annexed to and glebe of such benefice, perpetual curacy, or parochial chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by such incumbent, and his successors accordingly, without any licence or writ of *ad quod damnum*; and the whole or any part or parts of the said lands, which before such annexation were or was of copyhold tenure, shall for ever, from and after such annexation, become and be of freehold tenure; the statute of mortmain or any other statute or law to the contrary notwithstanding.

VII. And, for better effectuating such purchases as aforesaid, be it further enacted, that it shall be lawful for such parson, vicar, or other incumbent for the time being, with the consent of the patron and bishop (to be signified as hereinafter is mentioned), to borrow and take up at interest (over and besides the monies authorised to be borrowed under the authority and for the purposes of the said recited act of the seventeenth year of the reign of his present Majesty) such sum or sums of money as shall be certified by a valuation upon oath of some skilful and experienced surveyor to be the true and just value of the said lands at the time of the purchase thereof, not exceeding two years clear income and produce of such benefice, perpetual curacy, or parochial chapelry, after deducting all taxes and other outgoings whatever, except the salary to the assistant curate (if any); and as a security for re-payment of the money so to be borrowed, to mortgage the tithes, rents, and other profits

to be annexed to benefices as glebe land thereof.

Copyhold land so purchased to be holden as freehold;

and by mortgage of the tithes, &c. to raise a sum for such purchase,

not exceeding two years net income.

and emoluments of or belonging to such benefice, perpetual curacy, or parochial chapelry, to any person or persons who shall advance such money by one or more deed or deeds (to be registered as hereinafter mentioned), for the term of twenty-five years, or until the principal money so to be borrowed, with interest for the same, and all costs and charges attending the recovery thereof, shall be fully paid off and satisfied; which mortgage deed or deeds shall bind, as well such parson, vicar, or other incumbent of such benefice, perpetual curacy, or parochial chapelry, executing such mortgage or mortgages, as also his successors, and a counterpart thereof shall be executed by the mortgagee or mortgagees, and be kept by the incumbent; and the parson, vicar, or incumbent for the time being of such benefice, perpetual curacy, or parochial chapelry, shall and he is hereby required to pay or cause to be paid to the mortgagee or mortgagees yearly and every year, as the same shall become due, or within one month afterwards, as well the interest of the principal money secured by such mortgage or mortgages, as also the further sum of five pounds per centum per annum of the principal money originally advanced on such mortgage or mortgages; and that every incumbent who shall not reside twenty weeks in every year upon such benefice, perpetual curacy, or parochial chapelry, computing each year from the date of the first or only mortgage deed, shall and he is hereby required, instead of the said sum of five pounds per centum per annum, to pay within the period aforesaid the sum of ten pounds per centum per annum of the principal money originally advanced on such mortgage or mortgages, until the whole of such principal money, with the interest, costs, and charges, shall be fully paid off and discharged; and that every such incumbent, who shall pay only five pounds per centum per annum of such principal money, shall, at the time of payment thereof, produce and deliver to the mortgagee a certificate under the hands of two rectors, vicars, or other officiating ministers of some parishes near adjoining, signifying that he had resided twenty weeks upon the said benefice, perpetual curacy, or parochial chapelry, within the year for which such payment became due; and in default of payment of the principal, interest, costs, and

charges in manner aforesaid, the bishop shall have power to sequester the profits of such benefice, perpetual curacy, or parochial chapelry, until such payment shall be made; and if at any time or times the said principal and interest, or any part thereof, shall be in arrear and unpaid for the space of forty days next after the yearly day of payment whereon the same shall have become due, it shall be lawful for the mortgagee or mortgagees, and his, her, or their executors, administrators, or assigns, to recover the same, or such part thereof as shall be so unpaid, and the costs and charges attending such recovery, by distress and sale, in such manner as landlords are or shall be by law authorised to recover rents in arrear; and in order that the payment of the same principal and interest may, in cases of avoidance by death or otherwise, be justly and equitably ascertained and adjusted between the parson, vicar, or incumbent avoiding such benefice, perpetual curacy, or parochial chapelry, or his representatives, and his successor, in such proportions as the profits of such benefice, perpetual curacy, or parochial chapelry, shall have been received by them respectively for the year in which such death or avoidance shall happen, such payment shall, in case any difference shall arise in settling the proportions thereof, be ascertained and determined by two indifferent persons, the one to be named by the person making such avoidance, or his representatives in case of his death, and the other by the said successor; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or in case they shall not agree in settling such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman to be nominated by the bishop, whose determination shall be final and conclusive between the parties.

VIII. And be it further enacted, that for promoting the purposes of this act, it shall and may be lawful for the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, from and out of the monies which have arisen or shall from time to time arise from that bounty, to advance and lend, in respect of each

Governors
of Queen
Anne's
bounty em-
powered
to lend
money.

benefice, perpetual curacy, or parochial chapelry, the clear annual improved value whereof shall not exceed the sum of fifty pounds, any sum not exceeding the sum of one hundred pounds, without interest, but for repayment of the principal whereof such mortgage as is herein-before mentioned shall be executed; and also to advance or lend, for or in respect of each benefice, perpetual curacy, or parochial chapelry, the clear annual improved value whereof shall exceed the sum of fifty pounds, any sum not exceeding two years yearly income of such benefice upon such mortgage as aforesaid, and to receive interest for the same at any rate not exceeding four pounds per centum per annum.

Colleges may lend any sum with or without interest.

IX. And be it further enacted, that it shall and may be lawful for any college or hall within the universities of Oxford or Cambridge, or for any other corporate bodies, being owners of the patronage of ecclesiastical livings or benefices, to advance and lend any sum or sums of money of which they have the power to dispose, for the convenience of the parson, vicar, or other incumbent for the time being of any benefice, perpetual curacy, or parochial chapelry within the patronage of such college or hall, upon mortgage as herein-before directed, either upon interest or without any interest.

Consent of patron and bishop to all deeds of exchange, mortgage, or purchase.

X. Provided always, and be it further enacted, that when any parson, vicar, or other incumbent as aforesaid, shall be desirous of effecting any exchange, purchase, or mortgage under the provisions of this act, the consent of the patron and bishop to every deed of exchange, conveyance, or mortgage shall, before the same shall be signed and sealed by the parson, vicar, or other incumbent, be signified by the said patron and bishop respectively, being made parties to, and signing and sealing the said deed in the presence of two or more credible persons, who shall, by indorsement thereon, attest such signing and sealing, and in which attestation it shall be expressed that the same deed was so signed and sealed by such patron and bishop before the execution thereof by such parson, vicar, or other incumbent.

Powers to be executed by the archbishops and bishops having peculiars.

XI. And whereas there are within divers dioceses certain exempt jurisdictions called peculiars, belonging to the archbishops and bishops of other dioceses, and it is expedient that all the powers and authorities given by this act to the bishop of the diocese should, as to such peculiars, be given to

the archbishop or bishop to whom the same respectively belong ; be it therefore further enacted, that all and every the powers and authorities given by this act to the bishop of any diocese shall, with respect to the several peculiars locally situated within such diocese, be vested in and exercised by the archbishop or bishop to whom such peculiars shall respectively belong, and not by the bishop within whose diocese such peculiars shall be locally situated, but that within all and every peculiar and peculiars belonging to any other person or corporation than archbishops or bishops, such powers and authorities shall be vested in and exercised by the bishop of the diocese within which such peculiars shall be locally situated.

XII. And be it further enacted, that from and after the passing of this act it shall and may be lawful to and for any owner or owners of any messuages, buildings, lands, or hereditaments, whether such owner or owners shall be a corporation sole or aggregate, or tenant or tenants in fee simple, or in fee tail general or special, or for life or lives, and for the guardians, trustees, or feoffees for charitable or other uses, husbands or committees of or acting for any such owner or owners as aforesaid, who at the time of making any exchange or purchase authorised by this act shall be respectively infants, feme covert, or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, by deed or deeds indented, and to be registered as herein-after is mentioned ; and with such consent, and to be signified as herein-before is mentioned, of such incumbent, and of the patron and bishop, to grant and convey to any parson, vicar, or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, any messuage, out-buildings, yards, gardens, and lands, with their appurtenances, or any messuage or out-buildings only, or any lands (with or without necessary out-buildings) only, of such owner or owners, in lieu of and in exchange for any parsonage house, out-buildings, yards, gardens, and glebe lands, and pastures, feedings, and rights of common, or any of them, or any part thereof, of or belonging to any such benefice, perpetual curacy, or parochial chapelry, or (in cases of purchase) to sell and convey to such parson, vicar, or other

Power to owners to convey on exchange or sale.

Premises
exchanged
to be settled
to the same
uses.

Applica-
tion of
purchase-
monies of
premises
sold.

incumbent, any lands not exceeding in the whole twenty statute acres, with the necessary out-buildings thereon, for such sum or sums of money as shall be certified to be the true and just value of the same at the time of such sale thereof, by a valuation to be made as herein-after is directed ; and which said parsonage house, out-buildings, and glebe lands so to be granted and conveyed in exchange by any parson, vicar, or other incumbent (with such consent and in such manner as aforesaid), shall for ever, from and after such grant or conveyance thereof, be and become vested in and settled upon the same person or persons, and to, for, and under the same uses, estates, trusts, and limitations, and subject to the same powers, conditions, charges, and incumbrances as the said message, out-buildings, lands, and premises so to be granted and conveyed in exchange were vested in, settled upon, and subject to, before such exchange thereof, or would have been vested in, settled upon, and subject to, in case such exchange had not been made ; and which said sum or sums of money to be received for the purchase of any lands or hereditaments shall, in all cases where the lands or hereditaments so to be purchased belong to any corporation sole or aggregate, infant, feme covert, lunatic, or person or persons under any other disability or incapacity, with all convenient speed be paid into the Bank of England, and in the name and with the privity of the accountant-general of the High Court of Chancery, to be placed to his account *ex parte* the person or persons or corporation, who would have been entitled to the rents, issues, and profits of such lands or hereditaments, to the intent that such money shall be applied or laid out under the direction, and with the approbation of the said court (to be signified by an order made upon a petition to be preferred by or on behalf of the person or persons who would have been entitled to the rents, issues, and profits of such lands or hereditaments), in the purchase of the land-tax, or towards the payment of any debts or incumbrances affecting the same lands or hereditaments, or other lands or hereditaments standing settled to the same or the like uses, or in the purchase of other lands or hereditaments to be conveyed, settled, and made subject to and for and upon such and the like uses, trusts, limitations, and dispositions, and in the same

manner as the lands or hereditaments so purchased as aforesaid stood settled or limited, or such of them as at the time of making such purchase and conveyance shall be existing undetermined and capable of taking effect: and in the meantime, and until such purchase shall be made, the said money shall, by order of the said court of chancery upon application thereto, be invested by the said accountant-general, in his name, in some one of the public funds of this kingdom; and the dividends and annual produce thereof shall from time to time be paid, by order of the said court, to the person or persons who would have been entitled to the rents, issues, and profits of the said lands or hereditaments, in case no purchase and conveyance thereof had been made under the provisions of this act.

XIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to enable any corporation aggregate or sole, or tenant in fee-tail general or special, or for life or lives, or the guardians, trustees, or feoffees for charitable or other uses, husbands, or committees, of or acting for any such owner or owners as aforesaid, who at the time of making any sale authorised by this act, shall be respectively infants, femmes covert, or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, to sell or convey (except by way of exchange, as in manner by this act directed), any lands or grounds whatsoever, for any of the purposes of this act, exceeding the quantity of five statute acres.

Persons under legal incapacity not to convey (except in exchange) more than five acres.

XIV. Provided also, that in all cases where any exchange or purchase shall be made under the authority of this act, six calendar months previous notice, describing the particulars, extent, and situation of the premises respectively to be given and taken in exchange or purchased, shall be given of the intention to make such exchange or purchase, by the insertion of the same notice, for three successive weeks, in some one and the same newspaper of and in general circulation in each county wherein the premises so to be given and taken in exchange or purchased, or any part thereof, are situate; and also by affixing such notice, in writing, on a conspicuous part of the door of the church or chapel of each parish or

Where exchange or purchase shall be made, notice to be previously given.

chapelry wherein such premises, or any part thereof, are situate, on three Sundays successively whereon divine service shall be performed, and shortly before the commencement of such service on each Sunday in such church or chapel.

A map and valuation on actual survey to be made of the premises to be given and taken in exchange or purchased.

XV. And be it further enacted, that whenever any exchange or purchase is intended to be made under the authority of this act, a map or maps under an actual survey, on oath (which oath any justice of the peace is hereby authorised to administer) by some competent surveyor, to be approved of by the patron, bishop, and incumbent, shall in cases of exchange be made and taken of the whole of the said glebe lands, or of such part or parts thereof as will sufficiently enable the bishop to judge of the convenience and expediency of the proposed exchange, and also of the glebe or parsonage house, buildings, and premises, any part of which it is proposed to exchange, as well as of the other lands, house, buildings, and premises, proposed to be taken in exchange; and shall, in cases of purchase, be made and taken of the whole of the lands or hereditaments so to be purchased: and, in cases of exchange, the same surveyor shall in like manner make a valuation, on oath, (to be administered as aforesaid) of the said glebe lands and glebe or parsonage house, buildings, and premises, and also of the lands, house, buildings, and premises intended to be taken in exchange; and in cases of purchase, the same surveyor shall in like manner make a valuation, on oath, of the lands or hereditaments so intended to be purchased; and every such valuation shall include and distinctly specify the value of all timber and other trees growing thereon, and of the rights of common, and of all mines, minerals, and quarries (if any), and of all other rights, profits, and advantages whatsoever (if any) to the said premises, or either of them, or any part or parcel of the same, respectively belonging.

Bishop to issue a commission of inquiry.

XVI. Provided also, and be it further enacted, that in all cases, as well of exchange as of purchase under this act, the bishop, on receiving such map or maps and valuation shall, if he shall in the first instance so far approve of the said exchange or purchase, issue a commission of inquiry under his hand and seal, directed to such persons as he shall think proper, not being fewer than six in number, and of whom three at the least shall be beneficed clergymen actually

resident in the neighbourhood of the benefice, perpetual curacy, or parochial chapelry, whereto it shall be proposed to annex any buildings or lands by exchange or purchase under the authority of this act, and of whom one shall be a barrister at law, of three years standing at the least, to be named by the senior judge in the last preceding commission of nisi prius for the county in which the said benefice, perpetual curacy, or parochial chapelry, shall be situate; and the return to which commission of inquiry shall be made and signed by a majority of the persons therein named, after an actual inspection by them of all the premises, with such map and valuation before them, and not otherwise; and three at least of the persons making and signing the same shall be either three such beneficed clergymen, actually resident as aforesaid, or two at least of such beneficed clergymen, resident as aforesaid, together with such barrister as aforesaid: and in no case whatever shall any exchange or purchase be effected under the authority of this act, unless such commission shall have been previously issued and returned, and unless the return to such commission, so made and signed as aforesaid, shall certify, that, after an actual inspection and examination of the premises, such exchange or purchase, in the judgment of the persons making the said return, is fit and proper to be made, and will promote the permanent advantage or convenience of the incumbent of such benefice, perpetual curacy, or parochial chapelry, and his successors in the same.

XVII. And be it further enacted, that whenever the patron of any benefice, perpetual curacy, or parochial chapelry, to which the provisions of this act extend, shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of every such patron, to transact the several matters, and execute the requisite deeds as aforesaid, for such patron; who shall be bound thereby in such manner as if he or she had been of full age or sound mind, or feme sole, and had done such acts and executed such deeds.

Consent for patrons in case of minority, lunacy, or marriage.

XVIII. Provided also, and be it further enacted, that in all cases where the patronage of any benefice, perpetual curacy, or parochial chapelry, to which the provisions of this act extend, shall be in the Crown, and such living or benefice

Consent where livings belong to the Crown,

or to the
duchy of
Lancaster.

shall be above the yearly value of twenty pounds in the King's books, the consent of the Crown to the several proceedings hereby authorised respecting such benefice, perpetual curacy, or parochial chapelry, shall be signified by the execution of the deeds or instruments herein-before directed, by the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being; but if such benefice, perpetual curacy, or parochial chapelry, shall not exceed the yearly value of twenty pounds in the King's books, such consent shall be signified by such execution by the Lord High Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being: and if such benefice, perpetual curacy, or parochial chapelry, shall be within the patronage of the Crown, in right of the duchy of Lancaster, then such consent shall be signified by the execution of such deeds or instruments by the chancellor of the said duchy for the time being.

Deeds and
instru-
ments to be
deposited
in the arch-
bishop's or
bishop's
registry.

XIX. And be it further enacted, that one part of all deeds and instruments to be made and executed in pursuance of or for carrying into execution this act, together with the maps and valuations, and the commissions of inquiry and the returns to the same, herein-before directed, shall, within twelve calendar months next after the date or dates thereof, be deposited in the office of the registrar of the diocese wherein such benefice, perpetual curacy, or parochial chapelry, shall be locally situate, to be perpetually kept and preserved therein, except as to those benefices which are under the peculiar jurisdiction of any archbishop or bishop, in which case the several documents before mentioned shall be deposited in the office of the registrar of that peculiar jurisdiction, to which any such benefice, perpetual curacy, or parochial chapelry shall be subject; and such registrars shall respectively so deposit and preserve the same, and shall give and sign a certificate of such deposit thereof, to be written on a duplicate, or on any other part or parts of the said deeds, or any or either of them, or on some other separate parchment, paper, or instrument; and every such deed or instrument shall be produced at all proper and usual hours at such registry, to every person applying to inspect the same; and an office copy of each such deed or instrument, certified under the hand of the registrar (and which

office copy so certified the registrar shall in all cases grant to every person who shall apply for the same), shall in all cases be admitted and allowed as legal evidence thereof in all courts whatsoever; and every such registrar shall be entitled to the sum of ten shillings, and no more, (over and besides the stamp-duty, if any,) for such commission, and the previous requisites thereof; and the sum of five shillings, and no more, for so depositing as aforesaid the deeds, settlements, map, survey, valuation, commission, and instruments, and so aforesaid certifying such deposit thereof; and the sum of one shilling, and no more, for each such search; and the sum of sixpence, and no more, (over and besides the said stamp-duty) for each folio, of seventy-two words, of each such office copy so certified as aforesaid.

XX. And be it further enacted, that such of the forms contained in the schedules of the said recited acts of the seventeenth and twenty-first years of the reign of his present Majesty, as are applicable to the provisions of this act, and, with such variations thereof as shall render them so applicable, shall be used and applied to the purposes of this act, as fully and effectually as if the same were hereby enacted and made part of this act.

Forms in schedule 17 G. 3. c. 53. and 21 G. 3. c. 66. to be used (so far as applicable) for the purposes of this act.

XXI. Provided always, and it is hereby declared, that nothing in this act contained shall extend or be construed to repeal or abridge any law now in force, enabling any person or corporation sole or aggregate, to augment or improve any ecclesiastical benefice, perpetual curacy, or parochial chapelry.

This act not to repeal any former law.

56° GEORGE III. Cap. 52.

An Act to amend and render more effectual an Act passed in the last Session of Parliament, for enabling Spiritual Persons to exchange their Parsonage Houses or Glebe Lands, and for other Purposes therein mentioned.

WHEREAS an act was passed in the last session of parliament, intituled 'An act for enabling spiritual persons to exchange

55 G. 3. c. 147.

Power for incumbent of any benefice, with consent of patron and bishop, to apply money arising from sale of timber for or towards exchange or purchase of parsonage house or glebe lands.

the parsonage or glebe houses or glebe lands belonging to their benefices for others of greater value or more conveniently situated for their residence and occupation, and for annexing such houses and lands so taken in exchange to such benefices as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases ; and for other purposes :’ And whereas it is expedient to authorise the incumbents of benefices, perpetual curacies, and parochial chapelries to apply the monies arising from the sale of any timber cut from the glebe or other lands of their respective benefices, perpetual curacies, or parochial chapelries towards the purposes of the said recited act : May it therefore please your Majesty that it may be enacted, and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the incumbent of any benefice, perpetual curacy, or parochial chapelry, with the consent of the patron of such benefice, perpetual curacy, or parochial chapelry, and of the bishop of the diocese wherein the same is locally situate, or of the archbishop or bishop to whom the peculiars wherein such benefice, perpetual curacy, or parochial chapelry is situate shall belong, (such consent to be signified in manner as in the said recited act is mentioned,) to pay and apply the monies to arise by sale of any timber cut and sold from the glebe lands of such benefice, perpetual curacy, or parochial chapelry, or from any other land, whether copyhold, holden under any manor of such benefice, perpetual curacy, or parochial chapelry, or otherwise, the timber whereof belongs to such benefice, perpetual curacy, or parochial chapelry, either for equality of exchange, or towards and in part of equality of exchange, or for the price or purchase-money, or towards and in part of the price or purchase-money of any house, out-buildings, yards, gardens, and appurtenances, or any lands, or any or either of them, by the said recited act authorised to be taken in exchange or to be purchased ; and from and after such exchange or purchase, to be annexed to, and to be and become the parsonage and glebe house and glebe lands and premises of such benefice, perpetual

curacy, or parochial chapelry, as in the said recited act is mentioned.

II. And whereas it is by the said recited act enacted, that the bishop shall, in cases of exchange and purchase under the said act, issue a commission of inquiry for the purposes therein mentioned, to be directed to such persons as are therein described, and of whom one shall be a barrister, of three years standing at the least, to be named by the senior judge of nisi prius for the county in which the benefice, perpetual curacy, or parochial chapelry, whereto it shall be proposed to annex any buildings or land by exchange or purchase under the said act, shall be situate; but inasmuch as the nomination of such barrister by a judge of nisi prius is not applicable to the county palatine of Chester nor to the principality of Wales; be it therefore enacted, that where any exchange or purchase shall be made, or be proposed to be made under the authority of the said act, in any benefice, perpetual curacy, or parochial chapelry, situate within the said county palatine of Chester, or within the said principality of Wales, such barrister shall be named by the chief justice for the time being of the said county palatine of Chester, or by the justice, or, in case of his absence, the other justice of the great sessions for those counties within the said principality of Wales, within which said county palatine or respective counties of the said principality of Wales the said benefice, perpetual curacy, or parochial chapelry, shall be situate.

Barrister directed by recited act to be named by justices of nisi prius to be named in Chester and Wales by the chief justice, &c. there.

59° GEORGE III. Cap. 60.

An Act to permit the Archbishops of Canterbury and York, and the Bishop of London, for the Time being, to admit Persons into Holy Orders specially for the Colonies.

WHEREAS it is expedient that the archbishops and bishops of this realm should from time to time admit into holy orders persons specially destined for the cure of souls in his Majesty's foreign possessions, although such persons may not

be provided with the title required by the canon of the church of England, of such as are to be made ministers: And whereas it will greatly tend to the advancement of religion within the same, that due provision shall be regularly made for a supply of persons properly qualified to serve as parsons, vicars, curates, or chaplains; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for the archbishop of Canterbury, the archbishop of York, or the bishop of London, for the time being, or any bishop specially authorised and empowered by any or either of them, to admit into the holy orders of deacon or priest any person whom he shall, upon examination, deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his Majesty's colonies or foreign possessions, and residing therein, and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such archbishop or bishop, shall be held to be a sufficient title with a view to such ordination, and that in every such case it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls in his Majesty's foreign possessions.

Archbishop of Canterbury or York, or bishop of London, or any bishop specially authorised by any of them, may ordain specially for the colonies.

The fact to be stated in the letters of ordination.

No person so ordained capable of holding a living in Great Britain or Ireland without the consent of the bishop of the diocese, &c.

II. Provided always, and be it further enacted by the authority aforesaid, that no person so admitted into the holy orders of deacon or priest for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his Majesty's foreign possessions, shall be capable of having, holding, or enjoying, or of being admitted to any parsonage, vicarage, benefice, or other ecclesiastical promotion or dignity whatsoever, within the United Kingdom of Great Britain and Ireland, or of acting as curate therein, without the previous consent and approbation, in writing, of the bishop of the diocese under his hand and seal, in which any such parsonage, vicarage, benefice, or other ecclesiastical promotion or dignity shall be locally situated, nor without the like consent and approbation of such one of the said

archbishops, or bishop of London, by whom or by whose authority such person shall have been originally ordained, or in case of the demise or translation of such archbishop or bishop, of his successor in the same see: Provided always, that no such consent and approbation shall be given by any such archbishop or bishop of London, unless the party applying for the same shall first produce a testimony of his good behaviour during the time of his residence abroad, from the bishop in whose diocese he may have officiated, or in case there be no bishop, from the governor in council of the colony in which he may have been resident, or from his Majesty's principal secretary of state for the colonial department.

Certificate of good behaviour to be produced.

III. And be it further enacted, that from and after the passing of this act, no person who shall have been admitted into holy orders by the bishops of Quebec, Nova Scotia, or Calcutta, or by any other bishop or archbishop than those of England or Ireland, shall be capable of officiating in any church or chapel of England or Ireland, without special permission from the archbishop of the province in which he proposes to officiate, or of having, holding, or enjoying, or of being admitted to any parsonage or other ecclesiastical preferment in England or Ireland, or of acting as curate therein, without the consent and approbation of the archbishop of the province, and also of the bishop of the diocese in which any such parsonage or ecclesiastical preferment or curacy may be situated.

Persons ordained by the bishops of Quebec, Nova Scotia, or Calcutta, equally restrained.

IV. Provided always, that no person who after the passing of this act shall have been ordained a deacon or priest by a colonial bishop, who at the time of such ordination did not actually possess an episcopal jurisdiction over some diocese, district, or place, (or was not actually residing within such division, district, or place,) shall be capable in any way, or on any pretence whatever, of at any time holding any parsonage or other ecclesiastical preferment within his Majesty's dominions, or of being a stipendiary curate or chaplain, or of officiating at any place, or in any manner, as a minister of the established church of England and Ireland.

Persons ordained by a colonial bishop not possessing or residing in a diocese, &c. not to be capable of holding preferment, or acting as a minister of the established church.

V. And be it further enacted, that all admissions, institutions, and inductions to benefices in the church of England, or church of Ireland, and all appointments to act as curates

Admissions to benefices, and appoint-

ments to
curacies,
contrary
hereto,
void.

therein, which shall be made contrary to the provisions of this act, shall be to all intents and purposes null and void: provided always, that nothing herein shall be construed to make void any admission, institution, or induction to any benefice, or any appointment as curate, which shall have been made previous to the passing of this act.

Act not to
affect or to
repeal 26
G. 3. c. 81.

VI. Provided always, that nothing in this act contained shall be construed to affect or to repeal any of the provisions of an act passed in the twenty-sixth year of the reign of his present Majesty, intituled 'An act to empower the archbishop of Canterbury, or the archbishop of York for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his Majesty's dominions.'

1° GEORGE IV. Cap. 6.

An Act to amend and render more effectual an Act, passed in the Fifty-fifth Year of his late Majesty's Reign, for enabling Spiritual Persons to exchange their Parsonage Houses or Glebe Lands, and for other Purposes therein mentioned.

55 G. 3.
c. 147.

WHEREAS an act was passed in the fifty-fifth year of the reign of his late majesty King George the Third, intituled, 'An act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands so taken in exchange to such benefices, as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases, and for other purposes: ' And whereas it is by the said recited act enacted, that the bishop shall, in cases of exchange and purchase under the said act, issue a commission of inquiry for the purposes therein mentioned, to be directed to such persons as are therein described, and of whom one shall be a barrister, of three years standing at the least, to be named by the senior judge of nisi prius for the county in which the

benefice, perpetual curacy, or parochial chapelry whereto it shall be proposed to annex any buildings or land by exchange or purchase under the said act, shall be situate ; but inasmuch as the nomination of such barrister by a judge of nisi prius is not applicable to the county of Middlesex ; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that where any exchange or purchase shall be made, or be proposed to be made under the authority of the said act, in any benefice, perpetual curacy, or parochial chapelry, situate within the said county of Middlesex, such barrister shall be named by the chief justice of the Court of King's Bench for the time being, or by the chief justice of the Court of Common Pleas at Westminster for the time being.

Barristers named in commissions for exchanges, &c. in Middlesex, to be named by the chief justice of the King's Bench or Common Pleas.

II. And whereas it is by the said recited act enacted, that so much of the forms contained in the schedules of the said therein-recited acts of the seventeenth and twenty-first years of his then (and now late) majesty King George the Third, as were applicable to the provisions of that act, should, with such variations thereof as should render them so applicable, be used and applied to the purposes of that act ; but inasmuch as the said forms contained in the said schedules are not adapted to the provisions of the said first-recited act, and the endeavours so to apply the said forms have been attended with inconvenience ; be it therefore further enacted by the authority aforesaid, that so much of the said first-recited act as directs that the forms contained in the schedules of the said acts of the seventeenth and twenty-first years of the reign of his said late Majesty should be used and applied to the purposes of the said first-recited act, shall be and the same is hereby repealed.

So much of recited act as directs the schedules of the acts of 17 G. 3. c. 53. and 21 G. 3. c. 66. to be used, to be repealed.

5° GEORGE IV. Cap. 89.

An Act for the Relief, in certain Cases, of the Incumbents of Ecclesiastical Livings or Benefices mortgaged for building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for such Benefices.

17 G. 3.
c. 53.

21 G. 3.
c. 66.

WHEREAS under and by virtue of an act of parliament made in the seventeenth year of the reign of his Majesty King George the Third, intituled, ‘ An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices ;’ and another act, made in the twenty-first year of his said Majesty’s reign, to explain and amend the said act ; many mortgages of ecclesiastical livings and benefices have been made, and are still remaining in force, as securities for monies borrowed for building, re-building, repairing, or purchasing houses and other necessary buildings and tenements for such benefices ; and in most cases the sums of money borrowed on such mortgages have been to the full amount authorised by the said acts, that is to say, two years net income and produce of the said respective livings or benefices, estimated at or previous to the execution of such several mortgages in the manner by the said acts directed ; and the incumbents of the said respective livings or benefices are liable, according to the directions of the said acts, to pay five pounds per centum per annum of the principal monies so borrowed ; or in case such incumbents shall not reside twenty weeks in each year upon such livings or benefices, then instead of five pounds per cent. to pay ten pounds per cent. per annum of the said principal monies, over and above the interest arising upon such mortgages, until the whole principal monies and interest shall be fully paid and discharged : And whereas great reduction has taken place in the income and produce of many livings or benefices mortgaged by virtue of the said acts since the respective mortgages thereof were made, whereby it happens that the yearly payments in dis-

charge of the monies borrowed on such mortgages, which the incumbents of the said livings or benefices are liable to pay, amount to a larger proportion of the present income and produce thereof than it was contemplated or intended that they should be liable to pay according to the directions of the said acts; and it is just and expedient that such provision be made for the relief of incumbents of livings or benefices already mortgaged by virtue of the said acts as herein-after is expressed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the incumbent of every living or benefice mortgaged before the passing of this act, under or by virtue of the said former acts, for the amount of two years net income and produce thereof, to lay before the ordinary of such living or benefice a just and particular account in writing, signed by such incumbent, and verified upon his oath, taken before some justice of the peace or master in chancery, ordinary or extraordinary (which oath every justice of the peace and every master in chancery is hereby empowered to administer), of the income or produce of such living or benefice at the time of stating such account thereof, and of all rents, stipends, taxes, and other outgoings therefrom, excepting only the salary to the assistant curate where such a curate is necessary; and it shall and may be lawful for the ordinary thereupon to cause an inquiry to be made by the archdeacon, chancellor of the diocese, or other proper persons resident within or near the limits of such living or benefice, of the truth of the said account, and the result of the said inquiry to be certified by such archdeacon, chancellor, or other persons; and the incumbent of such living or benefice, and the mortgagee or mortgagees thereof may, and they are hereby empowered, with the consent of the ordinary and patron of such living or benefice, to agree that the yearly payments in discharge of the principal money secured by the mortgage of such living or benefice, and to become due after such agreement, shall be made at the rate of five pounds per cent., or ten pounds per centum per annum, as the case may require, according to the directions of the

Incumbents of mortgaged livings for the amount of two years income may lay before the ordinary an account of the value of such livings, who shall cause inquiry to be made of the truth thereof.

Mortgagees empowered to agree to make yearly payments in discharge of the mortgage, after the rate of

5 per cent., or 10 per cent., as the case may require, according to the directions of recited acts.

said former acts and this act, of the sum which two years net income and produce of the said living or benefice shall appear to amount unto, according to the account thereof laid before, and the certificate returned to the ordinary, as herein mentioned; and every such agreement shall be valid and effectual; and the mortgage made of every such living or benefice shall be, and remain, in force as a security for the yearly payments thereby agreed to be made, as well as for payment of the interest arising on such mortgage, and with all the powers and remedies for enforcing the same given by the said former acts, until the money borrowed, and all interest for the same, and also all costs and charges which shall be occasioned by the non-payment thereof, shall be fully paid and discharged, in like manner as if such yearly payments had been expressly mentioned in and secured by the said mortgage; the expiration of the term of years granted by the said mortgage, or any other cause or matter whatsoever notwithstanding.

Agreements to be in form prescribed by the schedule.

II. And be it further enacted, that every agreement which shall be entered into by virtue of this act shall be in writing, in the form in the schedule to this act set forth, or to that effect, under the hands of the ordinary, patron, incumbent, and mortgagee or mortgagees of the living or benefice to which the same shall relate, or the common seal of such of them as shall be a body corporate aggregate; and in case the patronage of any such living or benefice shall be in the crown, or the patron of any such living or benefice shall happen to be a minor, idiot, lunatic, or feme covert, such agreement shall be signed by such persons as by the said former acts, are empowered in the like case to consent to the proceedings thereby authorised; and in case any such agreement shall relate to any chapelry or perpetual cure, the incumbent whereof shall be nominated by the rector or vicar of the parish, in every such case such rector or vicar shall be required to be a party to the agreement so to be made, together with the patron of the rectory or vicarage.

Governors of Queen Anne's bounty empowered to

III. And be it further enacted, that it shall and may be lawful for the governors of the bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy, to make and enter into such agreements as herein-before are

authorised, with respect to all or any of the mortgages made to the said governors by virtue of the said former acts, if it shall appear to the said governors to be fit and proper so to do; and it shall and may also be lawful for all colleges and halls within the universities of Oxford and Cambridge, and for all other corporate bodies possessed of the patronage of any ecclesiastical livings or benefices, to make and enter into such agreements as herein-before are authorised, with respect to all or any of the mortgages made to them respectively, for any sums of money advanced under the powers of the said former acts, if it shall appear to them respectively fit and proper so to do.

enter into agreements with respect to mortgages, as are also the colleges and halls of the universities of Oxford and Cambridge.

IV. And be it further enacted, that a copy of every agreement made by virtue of this act shall be registered in the office of the registrar of the bishop, or other ordinary of the living or benefice to which such agreement shall relate, after having been first examined by him; and such registrar shall register such copy, and make and sign a certificate on the original agreement, that a copy thereof is so registered, and shall be entitled to demand and receive the sum of five shillings and no more for such register; and every such copy shall be inspected upon all necessary occasions, the person who requires such inspection paying to the said registrar the sum of one shilling for the same; and the registered copy of such agreement, or a copy thereof certified under the hand of the registrar to be correct, shall be allowed as legal evidence in case any such agreement shall happen to be lost or destroyed.

Agreements to be registered.

Fee to registrar.

V. And be it further enacted, that no affidavit, certificate, agreement, instrument, or proceeding made, had, or done under the authority or directions of this act, shall be charged or chargeable with any stamp duty.

No proceeding under this act to be charged with stamp duty.

VI. And be it further enacted, that in case any incumbent of any living or benefice mortgaged or to be mortgaged by virtue of the said former acts, who shall not reside twenty weeks in any year upon such living or benefice, shall have been non-resident in the same year by licence of the bishop of the diocese within which such living or benefice shall be locally situate, granted by reason or on account of any actual illness or infirmity of mind or body of such incumbent,

Non-residents by licence liable to pay mortgages in manner herein mentioned.

or of his wife or child, making part of and residing with him as part of his family, such incumbent shall for every year in which he shall be non-resident by such licence, pay to the mortgagee or mortgagees of his living or benefice the like sum as he would have been liable to pay by virtue of the said former acts, or any agreement made under the powers of this act, in case he had resided twenty weeks in the same year upon his said living or benefice, and no other or greater sum; provided that every such incumbent at the time of making such payment, or some person on his behalf shall deliver to the mortgagee or mortgagees a certificate under the hand of such bishop, that such incumbent was non-resident, in the year for which such payment shall be made, by the licence of the said bishop, granted for some or one of the causes herein-before mentioned, to be specified in the said certificate.

Governors
of Queen
Anne's
bounty em-
powered to
reduce the
rate of
interest of
mort-
gages.

VII. And be it further enacted, that it shall and may be lawful to and for the said governors of the bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy, at any time or times after the passing of this act, to reduce the rate of the interest secured to them by any mortgage or mortgages heretofore made to them under the authority of the said former acts, and thereafter to become due to such rate or rates, as to them shall appear just and reasonable.

SCHEDULE TO WHICH THE ACT REFERS.

Form of Agreement.

WHEREAS in the year ———, the reverend A. B. clerk, rector [vicar or curate] of the parish church [or curacy or chapelry] of ——— in the county of ——— and the diocese of the bishop of ——— and under the jurisdiction of the said bishop, [*or such other ecclesiastical person or corporation as shall be ordinary*], as ordinary, by virtue and pursuant to the directions of an act of parliament passed in the seventeenth year of the reign of his majesty King George the Third,

intituled ‘An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices,’ obtained the consent of the said ordinary, and of the patron of the said church [or curacy or chapelry], to borrow and take up at interest, on mortgage of the glebe, tithes, and emoluments of the said living, the sum of —— pounds, being the amount of two years’ net income and produce of the said living, as then estimated and proved in the manner by the said act directed; and the said sum of —— pounds was advanced by C. D., and a mortgage of the glebe, tithes, and emoluments of the said living, by indenture bearing date the —— day of —— was duly made and executed to him for securing the repayment thereof, with interest at the rate of —— pounds per centum per annum, by yearly payments, according to the directions of the said act, and of another act passed in the twenty-first year of his said Majesty’s reign, to explain and amend the same: And whereas the several yearly payments which have become due upon the said mortgage, up to and including the —— day of —— last, together with all interest arising upon the said mortgage to that time, have been discharged, and there now remains due on the security of the said mortgage, the principal sum of —— pounds, with interest thereon, from the said —— day of —— [if the incumbent entering into the agreement is a successor of him who made the mortgage, or the mortgagee is representative or assignee of him to whom the mortgage was made, the facts are to be here stated in proper recitals, and the proper parties are to be named in the subsequent parts of the agreement instead of the parties to the mortgage]: And whereas the said A. B., pursuant to the directions of an act passed in the fifth year of the reign of his majesty King George the Fourth, intituled [set forth the title of this act], has laid before the ordinary of the said living a just and particular account in writing, signed by him, and verified as by the said last-mentioned act is required, of the present income or produce of the said living, and of the outgoings therefrom; and the said ordinary has caused enquiry to be made of the truth of the said account,

and the result of the said enquiry to be certified to him as by the said act required; and according to the said account and the certificate returned to the said ordinary, the net income and produce of the said living appears now to amount to the sum of—— pounds, and therefore two years' net income and produce thereof will amount to the sum of—— and no more: And whereas the said C. D. is willing to accept such reduced yearly payments in discharge of the principal money remaining due on the said mortgage, as by the said last-mentioned act authorised and herein-after mentioned: Now it is hereby agreed by and between the said A. B. and C. D. with the consent of the said ordinary and of—— the patron [or patrons] of the said church, [or of—— the rector or vicar of the parish church of—— who is entitled to the nomination of the curate of the said curacy or chapelry of—— and—— the patron of the said parish church, *or if any other person or persons shall according to the act be required to act for the patron, such person or persons shall be named, with a proper description*], testified by the said ordinary and patron signing this agreement; [*or if either of them shall be a body corporate aggregate, then by the said ordinary [or patron] signing, and the said patrons [or ordinary] causing their common seal to be affixed to this agreement*]; and by virtue of the powers of the said last-mentioned act of parliament, that the yearly payments in discharge of the said sum of—— pounds remaining due on the said mortgage as aforesaid, shall be made at the rate of five pounds per cent. or ten pounds per cent. as the case may require, according to the directions of the said several acts of parliament, of the said sum of—— pounds, the amount of two years' net income and produce of the said living, according to the late account and certificate herein-before mentioned; and the said mortgage of the said living is, pursuant to and by virtue of the said last-mentioned act, to be and remain in force as a security for the yearly payments hereby agreed to be made, as well as for payment of the interest arising on the said mortgage, and with all the powers and remedies for enforcing the same given by the said first-mentioned act, until the money borrowed on the said mortgage, and all interest for the same, and also all costs and charges which shall be oc-

casioned by the nonpayment thereof, shall be fully paid and discharged. Dated the _____ day of _____ in the year one thousand eight hundred _____.

6° GEORGE IV. Cap. 8.

An Act to amend and render more effectual an Act passed in the Fifty-fifth Year of the Reign of his late Majesty, for enabling Spiritual Persons to exchange their Parsonage Houses or Glebe Lands; and for other Purposes therein mentioned.

WHEREAS an act was passed in the fifty-fifth year of the reign of his late majesty King George the Third, intituled *55 G. 3. c. 147.*
 ‘An act for enabling spiritual persons to exchange the parsonage or glebe houses, or glebe lands, belonging to their benefices, for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands, so taken in exchange, to such benefices as parsonages or glebe houses and glebe lands; and for purchasing and annexing lands to become glebe in certain cases; and for other purposes:’ And whereas it is by the said recited act enacted, that the bishop shall, in cases of exchange and purchase under the said act, issue a commission of enquiry, for the purposes therein mentioned, to be directed to such persons as are therein described, and of whom one shall be a barrister of three years’ standing at the least, to be named by the senior judge of nisi prius for the county in which the benefice, perpetual curacy, or parochial chapelry, whereto it shall be proposed to annex any buildings or land by exchange or purchase under the said act, shall be situate; but inasmuch as the nomination of such barrister by a judge of nisi prius is not applicable to the counties palatine of Lancaster and Durham; be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of

The chief justice of the common pleas for the

county palatine of Lancaster or Durham to act in cases of exchange under recited act.

Power to exchange glebe lands for others extended to any number of acres, subject to the restrictions contained in 55 G. 3. c. 147. and 56 G. 3. c. 52.

Exchanges may be made for lands or tenements that are copyhold, and not held of a manor belonging to the benefice, &c.

the same, that where any exchange or purchase shall be made or proposed to be made, under the authority of the said act, in any benefice, perpetual curacy, or parochial chapelry situate within the said counties palatine of Lancaster or Durham, such barrister shall be named by the chief justice or senior judge for the time being of the Court of Common Pleas for the said counties palatine respectively.

II. And whereas it is expedient that the incumbents of benefices, perpetual curacies, and parochial chapelries, should be enabled to exchange the glebe lands belonging to their benefices, perpetual curacies, or parochial chapelries, to a greater amount than thirty statute acres; be it therefore enacted, that from and after the passing of this act, the power to exchange glebe lands for others of equal value, which is given to parsons, vicars, and other incumbents by the above-recited act passed in the fifty-fifth year of the reign of his late majesty King George the Third, be extended to any number of statute acres, but subject to all the provisions, conditions, and restrictions contained in the above recited act, and also to those in another act passed in the fifty-sixth year of his late Majesty's reign, intituled 'An act to amend and render more effectual an act passed in the last session of parliament, for enabling spiritual persons to exchange their parsonage houses or glebe lands, and for other purposes therein mentioned.'

III. And whereas, by the said recited act of the fifty-fifth year of the reign of his late majesty King George the Third, the powers of exchange thereby given are limited to such houses, out-buildings, yards, gardens, and appurtenances and lands, to be accepted and taken in exchange by the spiritual persons therein named, as are of freehold tenure, or copyhold of inheritance, or for life or lives, holden of any manor belonging to the benefice in respect of which any such exchange is intended to be made: And whereas it may happen that such exchanges may sometimes be beneficially made where the lands or tenements so to be accepted and taken in exchange are copyhold of inheritance, holden of some manor not belonging to the benefice in respect of which such exchange is intended, and without injury to the lord or lords, lady or ladies of such manor; be it therefore enacted, that

from and after the passing of this act it shall and may be lawful for the parson, vicar, or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, to grant and convey, in the manner, and by and under the several powers, provisions, conditions, and restrictions contained in the said act, and in the said act of the fifty-sixth year of the reign of his said Majesty, and in this act, to any such person or persons, or corporation, as in the said first-mentioned act are described, any such lands or tenements as are described in the same act, belonging to his benefice, in lieu of and in exchange for any lands or tenements of the description mentioned in the said first-mentioned act, as those which are thereby authorised to be accepted and taken in exchange by any such parson, vicar, or other incumbent, although such last-mentioned lands or tenements may be copyhold of inheritance holden of a manor not belonging to such ecclesiastical benefice, perpetual curacy, or parochial chapelry: Provided always, that no such exchange be made without the consent of the lord of the manor of which the lands to be taken in exchange are holden: Provided always, that from and immediately after such conveyance, the lands or tenements accepted and taken in exchange by any such parson, vicar, or other incumbent, shall become and be of freehold tenure, and the lands or tenements by him granted and conveyed, and which before such conveyance belonged to his benefice, perpetual curacy, or parochial chapelry, shall become copyhold of the same manor, and subject to the same rents, fines, services, customs, and manorial rights and properties, to all intents and purposes, as the lands or tenements so to be accepted and taken in exchange were subject to before the making of such exchange: Provided always, that from and after the passing of this act, three calendar months notice shall be sufficient for the purpose of any exchange or purchase, instead of six calendar months, as by the said act of the fifty-fifth year of the reign of his said late Majesty is required.

Consent of the lord of the manor.

Lands or tenements so taken by incumbent to become freehold, and the premises granted by him to become copyhold.

Three months notice sufficient for the purpose of exchange.

7° GEORGE IV. Cap. 66.

An Act to render more effectual the several Acts now in force to promote the Residence of the Parochial Clergy, by making Provision for purchasing Houses and other necessary Buildings for the Use of their Benefices.

17 G. 3.
c. 53.

WHEREAS in and by an act of parliament passed in the seventeenth year of the reign of his majesty King George the Third, intituled 'An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices,' it was enacted, that where new buildings were necessary to be provided or erected for the habitation and residence of the rector, vicar, or other incumbent of any ecclesiastical living, parochial benefice, chapelry, or perpetual curacy, pursuant to the authority thereby given, it should be lawful for the ordinary, patron, and incumbent of every such living or benefice to contract, or to authorise, if they should think fit, the person to be nominated under the provisions of the said act to contract, for the absolute purchase of any house or buildings in a situation convenient for the habitation and residence of the rector, vicar, or other incumbent of such living or benefice, and not at a greater distance than one mile from the church belonging to such living, and also to contract for any land adjoining or lying convenient to such house or building or to the house or building belonging to any parochial living or benefice having no glebe lying near or convenient to the same, not exceeding the quantity thereby limited, and to cause the purchase money for such house or buildings to be paid out of the money to arise under the powers and authorities of the said act; in all which cases the said buildings and lands should be conveyed to the patron of such living or benefice, and his heirs, in trust for the sole use and benefit of the rector, vicar, or other incumbent of such living or benefice for the time being, and their successors, and should be annexed to such

church or chapel, and be enjoyed and go in succession with the same for ever ; but no contract so made by the nominee should be valid until confirmed by the ordinary, patron, and incumbent, by writing under their hands ; and every such purchase deed was to be in the form or to the effect contained in the schedule to the said act annexed, and should be registered in such manner and in such office as other deeds were thereby directed to be registered : And whereas an act was passed in the twenty-first year of the reign of his said late Majesty, to explain and amend the said first-mentioned act : And whereas in and by an act of parliament passed in the forty-third year of his said late Majesty's reign, intituled ' An act for effectuating certain parts of an act passed in the second and third years of the reign of her late majesty Queen Anne, intituled " An act for the making more effectual her Majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her Majesty to grant in perpetuity the revenues of the first fruits and tenths, and also for enabling any other persons to make grants for the same purpose," so far as the same relate to deeds and wills made for granting and bequeathing lands, tenements, hereditaments, goods, and chattels to the governors of the bounty of Queen Anne, for the purposes in the said act mentioned ; and for enlarging the powers of the said governors ;' it was enacted, that where a living should have been or should be augmented by the said governors, either by way of lot or benefaction, and there was no parsonage house suitable for the residence of the minister, it should be lawful for the said governors, and they were thereby empowered, from time to time, in order to promote the residence of the clergy on their benefices, to apply and dispose of the money appropriated for such augmentation, and remaining in their hands, or any part thereof, in such manner as they should deem most advisable, in or towards the building, rebuilding, or repurchasing a house and other proper erections within the parish, convenient and suitable for the residence of the minister thereof, which house should for ever thereafter be deemed the parsonage house appertaining to such living to all intents and purposes whatsoever : And whereas in and by an act of parliament passed in the fifty-fifth year

21 G. 3. ;
c. 66.43 G. 3.
c. 107.

55 G. 3.
c. 147.

of the reign of his said late Majesty, intituled ‘ An act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices for others of greater value, or more conveniently situated for their residence and occupation ; and for annexing such houses and lands so taken in exchange to such benefices, as parsonage or glebe houses and glebe lands ; and for purchasing and annexing lands to become glebe in certain cases ; and for other purposes ; ’ it was enacted, that from and after the passing of the said act it should be lawful to and for any owner or owners of any messuages, buildings, lands, or hereditaments, whether such owner or owners should be a corporation sole or aggregate, or tenant or tenants in fee simple, or in fee tail general or special, or for life or lives, and for the guardians, trustees, or feoffees for charitable or other uses, husbands, or committees of or acting for any such owner or owners as aforesaid, who at the time of making any exchange or purchase authorised by the said act should be respectively infants, feme coverts, or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, by deed or deeds indented, and to be registered as therein mentioned, and with such consent, and to be signified as therein mentioned, of such incumbent and of the patron and bishop, to grant and convey to any parson, vicar, or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy, or parochial chapelry, any messuage, outbuildings, yards, gardens, and lands, with their appurtenances, or any messuage or outbuildings only, or any lands (with or without necessary outbuildings) only, of such owner or owners, in lieu of and in exchange for any parsonage house, outbuildings, yards, gardens, and glebe lands, and pastures, feedings, and rights of common, or any of them, or any part thereof, of or belonging to any such benefice, perpetual curacy, or parochial chapelry, or (in cases of purchase) to sell and convey to such parson, vicar, or other incumbent, any lands, not exceeding in the whole twenty statute acres, with the necessary outbuildings thereon, for such sum or sums of money as should be certified to be the true and just value of the same at the time of such sale thereof, by a valuation to be made as therein directed ; which

said sum or sums of money to be received for the purchase of any lands or hereditaments should, in all cases where the lands or hereditaments so to be purchased belonged to any corporation sole or aggregate, infant, feme covert, lunatic, or person or persons under any other disability or incapacity, with all convenient speed be paid into the Bank of England, in the name and with the privity of the accountant general of the High Court of Chancery, to such account, and applied or laid out in such manner and for such purposes, and the interest and annual produce thereof to be paid to such persons, as in and by the said act appointed and directed: And whereas the provisions of the said last-recited act have been extended to Ireland by an act passed in the fourth year of the reign of his present Majesty, intituled ‘ An act to amend the laws for collecting church rates, and money advanced by the trustees and commissioners of the first fruits of ecclesiastical benefices, and for the improvement of church lands, in Ireland;’ and also by an act passed in the fifth year of his present Majesty’s reign, intituled ‘ An act to amend an act of the last session of parliament, for amending the laws for the improvement of church lands in Ireland:’ And whereas several acts were passed in the fifty-sixth year of the reign of his said late Majesty, and in the first and sixth years of the reign of his present Majesty, to amend the said act of the fifty-fifth year of his late Majesty’s reign: And whereas the means of providing houses and buildings for the residence and occupation of the parochial clergy are still in many cases insufficient, by reason that the powers given to owners of houses, buildings, and lands, by the said act of the fifty-fifth year of his late Majesty’s reign, if under any disability or incapacity to convey, authorise the sale of land only, and the exchange only of houses and buildings; and that although power to purchase houses and buildings is given by the said acts of the seventeenth and forty-third years of his late Majesty’s reign, the owners thereof, if under any such disability or incapacity, are not empowered to sell and convey the same; be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of

4 G. 4.
c. 86.

5 G. 4. c. 8.

56 G. 3.
c. 52.1 G. 4. c. 6.
6 G. 4 c. 8.

Corporations and persons under disability or incapacity authorized to sell messuages, lands, &c. for the purposes of recited acts.

this act it shall and may be lawful to and for any owner or owners of any messuages, buildings, or lands, which may be purchased under the authority of the said acts of the seventeenth and forty-third and fifty-fifth years of his late Majesty's reign, or either of them, whether such owner or owners shall be a corporation sole or aggregate, or tenant or tenants in fee simple or in fee tail, general or special, or for life or lives, and for the guardians, trustees, or feoffees for charitable or other uses, husbands, or committees of or acting for any such owner or owners as aforesaid, who shall be respectively infants, feme covert, or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, to sell such messuages, buildings, and lands, or any of them, for the purposes of the said acts or either of them, and to convey the same in manner hereinafter mentioned; and all messuages, buildings, and lands, which shall be purchased under the authority of this act, or of the said acts of the seventeenth, forty-third, and fifty-fifth years of his late Majesty's reign, or either of them, shall be conveyed unto and to the use of the parson, vicar, or other incumbent of the benefice, curacy, or chapelry, for the residence and occupation of the parson, vicar, or other incumbent whereof the same shall be purchased, and shall for ever, from and after the conveyance thereof, be and become annexed to the same benefice, curacy, or chapelry, and be holden and enjoyed by the parson, vicar, or other incumbent thereof, and his successors, accordingly, without any licence or writ of *ad quod damnum*, the statute of mortmain, or any other statute or law to the contrary notwithstanding; and a copy of every such conveyance of any messuage, buildings, or lands, the purchase money whereof shall be raised under the powers of the said act of the seventeenth year of his late Majesty's reign, shall be registered as by the said act is directed with respect to conveyances thereby authorised.

Conveyance to be registered.

Such messuages, lands, &c. to be surveyed, and the map and valuation verified

II. Provided always, and be it further enacted, that in every case in which any messuage, buildings, or lands shall be sold under the authority of this act, by any owner or owners, having any less estate or interest in the same than in fee simple, or by any corporation aggregate or sole, or person or persons under any legal disability, a map and plan

thereof, under an actual survey and a valuation thereof, shall be made and taken by some competent surveyor, and verified upon oath to be taken before some justice of the peace, which oath any justice of the peace is hereby authorised to administer; and such map, plan, and valuation, and the affidavit verifying the same, shall be annexed to and preserved with the conveyance.

on oath and preserved.

III. Provided also, and be it further enacted, that in every case in which a sale and conveyance shall be made under the authority of this act, of any messuages, buildings, or lands which shall belong to any corporation aggregate or sole, or tenant in fee tail, general or special, or for life or lives, infant, feme covert, lunatic, or person or persons under any other legal disability, or otherwise disabled to act for themselves, himself, or herself, the purchase money for the same shall, with all convenient speed, be paid into the Bank of England, or the Bank of Ireland, as the case may be, in the name and with the privity of the accountant general of the High Court of Chancery of England or Ireland, as the case may be, to be placed to his account ex parte the person or persons or corporation who would have been entitled to the rents, issues, and profits of such messuages, buildings, or lands; to the intent that such money shall be applied or laid out under the direction and with the approbation of the said Court of Chancery of England or Ireland [to be signified by an order to be made upon a petition to be preferred by or on behalf of the person or persons who would have been entitled to the rents, issues, and profits of such messuages, buildings, or lands], in the purchase of the land tax, or towards the payment of any debts or incumbrances affecting the same messuages, buildings, or land, or other lands or hereditaments standing settled to the same or the like uses, or in the purchase of other lands or hereditaments, to be conveyed, settled, and made subject to and for and upon such and the like uses, trusts, limitations, and dispositions, and in the same manner as the messuages, buildings, or lands so purchased as aforesaid stood settled or limited, or such of them as at the time of making such purchase and conveyance shall be existing undetermined and capable of taking effect; and in the mean time and until such purchase shall be made

Application of purchase money.

the said money shall, by order of the said Court of Chancery of England or Ireland, upon application thereto, be invested by the accountant general in his name in some one of the public funds of England or Ireland, and the dividends and annual produce thereof shall from time to time be paid, by order of the said court, to the person or persons who would have been entitled to the rents, issues, and profits of the said messuages, buildings, or lands, in case no purchase and conveyance thereof had been made under the provisions of this act.

7° & 8° GEORGE IV. Cap. 25.

An Act for the Relief of certain Spiritual Persons, and Patrons of Ecclesiastical Preferments, from certain Penalties; and rendering valid certain Bonds, Covenants, or other Assurances for the Resignation of Ecclesiastical Preferments.

31 Eliz.
c. 6.

WHEREAS by an act made and passed in the thirty-first year of the reign of her late majesty Queen Elizabeth, intituled 'An act against abuses in elections of scholars and presentations to benefices,' it is enacted in the words or to the effect following; to wit, "for the avoiding of simony and corruption in presentations, collations, and donations of and to benefices, dignities, prebends, and other livings and promotions ecclesiastical, and in admissions, institutions, and inductions, to the same, be it further enacted by the authority aforesaid, that if any person or persons, bodies politic and corporate, shall or do at any time after the end of forty days next after the end of this session of parliament, for any sum of money, reward, gift, profit, or benefit, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurance, of or for any sum of money, reward, gift, profit, or benefit whatsoever, directly or indirectly, present or collate any person to any benefice with cure of souls, dignity, prebend, or living ecclesiastical, or give or bestow the same for or in respect of any such corrupt cause or consideration, that then

every such presentation, collation, gift, and bestowing, and every admission, institution, investiture, and induction thereupon, shall be utterly void, frustrate, and of none effect in law; and that it shall and may be lawful to and for the Queen's Majesty, her heirs and successors, to present, collate unto, or give or bestow every such benefice, dignity, prebend, and living ecclesiastical, for that one time or turn only; and that all and every person or persons, bodies politic and corporate, that from thenceforth shall give or take any such sum of money, reward, gift, or benefit, directly or indirectly, or that shall take or make any such promise, grant, bond, covenant, or other assurance, shall forfeit and lose the double value of one year's profit of every such benefice, dignity, prebend, and living ecclesiastical; and the person so corruptly taking, procuring, seeking or accepting any such benefice, dignity, prebend, or living, shall thereupon and from thenceforth be adjudged a disabled person in law to have or enjoy the same benefice, dignity, prebend, or living ecclesiastical:" And whereas, since the passing of the said act many spiritual persons, or others, before or after the presentation or collation, or appointment by donation, of spiritual persons to spiritual offices, being benefices with cure of souls, dignities, prebends, or livings ecclesiastical, have made, given, or entered into certain engagements by promise, agreement, grant, bond, covenant, or other assurance, to or with the patron or patrons of such spiritual offices, or to or with some other person or persons, for the resignation of such spiritual offices, to the intent or purpose that some person specially named or described in such engagement, or one of two persons so specially named or described, should be presented, collated, or nominated to such spiritual offices respectively, or that the same should be given or bestowed to or upon him, or for the resignation thereof upon notice or request, or otherwise, when a person, or one of two persons, so specially named or described, should become qualified by age or otherwise to accept and take the same: And whereas it has lately been adjudged and determined at law that such engagements as aforesaid come within the intent and meaning of the said recited act: And whereas the spiritual persons and patrons, and other persons,

No presentation to any spiritual office, made before 9th April 1827, shall be void on account of any agreement to resign when another person, specially named, shall become qualified to take the same.

Persons making any such agreement, not subject to any penalty on account thereof.

who have been parties to such engagements, will suffer great hardship and detriment unless they be relieved from the pains, penalties, forfeitures, loss, or disabilities to which they have erroneously, but without having wilfully acted in contravention of the said recited act, rendered themselves liable, by reason of having given or entered into, or accepted or taken, such engagements; for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that no presentation, collation, gift, or bestowing of any such spiritual office to or upon any spiritual person, before the ninth day of April in the present year of our Lord one thousand eight hundred and twenty-seven, nor any admission, institution, investiture, or induction thereupon, shall be void, frustrate, or of no effect in law, for or by reason of any such engagement made, given, or entered into by such spiritual person, or any other person or persons, to or with the patron or patrons of such spiritual office, or to or with any other person or persons, for the resignation of the same, to the intent or purpose manifested by the terms of such engagement, that some person specially named or described therein, or one of two persons so specially named or described, should be presented, collated, or nominated to such spiritual office, or that the same should be given or bestowed to or upon him, or for the resignation thereof upon notice or request, or otherwise, when a person, or one of two persons, so specially named or described, should become qualified, by age or otherwise, to accept and take the same; and that it shall not be lawful for the King's most excellent Majesty, his heirs or successors, for or by reason of such engagement as aforesaid, to present or collate unto, or give or bestow such spiritual office; and that such spiritual person, and patron or patrons, or other person or persons respectively, shall not be liable to any pains, penalty, forfeiture, loss, or disability, nor to any prosecution or other proceeding, civil, criminal, or penal, in any court ecclesiastical or temporal, for or by reason of his, her, or their having made, given, or entered into, or accepted or taken, such engagement as aforesaid; and that every such presentation or collation,

or gift or bestowing, before the said ninth day of April in the present year of our Lord one thousand eight hundred and twenty-seven, and every admission, institution, investiture, and induction thereupon, shall be as valid and effectual in the law, to all intents and purposes whatsoever, as if such engagement had not been made, given, or entered into or accepted or taken; any thing in the said recited act, or in any other act, statute, or canon, or any law to the contrary in anywise notwithstanding.

II. And be it further enacted, that every such engagement which hath been made, given, or entered into at any time before the said ninth day of April in the present year of our Lord one thousand eight hundred and twenty-seven, for the resignation of any benefice with cure of souls, dignity, prebend, or living ecclesiastical, to the intent or purpose manifested by the terms of such engagement, that some person specially named or described therein, or one of two persons so specially named or described, should be presented, collated, or nominated, to such spiritual office, or that the same should be given or bestowed to or upon him, or for the resignation thereof upon notice or request or otherwise, when a person, or one of two persons, so specially named or described, should become qualified, by age or otherwise, to accept and take the same, shall be good, valid, and effectual in the law to all intents and purposes whatsoever; any thing in the said recited act, or in any other act, statute, or canon, or any law to the contrary in anywise notwithstanding.

All such engagements, entered into before 9th April 1827, valid and effectual in law.

III. Provided always, that nothing in this act contained shall extend or be construed to extend to the case of any engagement which shall not have been made, given, or entered into really and *bonâ fide* to the intent or purpose aforesaid, and no other: provided also, that nothing herein contained shall be deemed compulsory upon the ordinary to accept the resignation.

Engagements not *bonâ fide* made with such intent.

IV. Provided always, and be it further enacted, that in every case where any such spiritual office shall after the passing of this act be resigned pursuant to any such engagement, and the person, or one of the two persons, so specially named or described therein shall not be presented, collated,

If the person so specially named be not presented to such

spiritual
office
within six
months, the
resignation
shall be
void.

nominated or appointed by donation to such spiritual office within six calendar months next after such resignation, the resignation which shall so have been made pursuant to such engagement shall to all intents and purposes be void and of no effect; and the spiritual person who shall so have resigned shall, without any act or form, and as if such resignation had not been made, be deemed and taken to all intents and purposes, to be and to have continued the incumbent actually in possession of such spiritual office, notwithstanding such resignation, and although within the said six months any other person may have been presented, collated, nominated, instituted, or inducted thereto, or received investiture thereof, provided such person so resigning shall not by reason of any other act or thing have become disqualified to hold the same.

Proviso for
proceed-
ings
already
com-
menced.

V. Provided also, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to the case of any such engagement, upon or with respect to which any action, suit, bill, plaint, or information shall have been brought, sued out, or commenced and prosecuted before the ninth day of April in this present year.

9° GEORGE IV. Cap. 94.

An Act for rendering valid Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferments, in certain specified Cases.

WHEREAS it is expedient that certain bonds, covenants, and other assurances for the resignation of ecclesiastical preferments, should be rendered valid in the cases and subject to the limitations herein-after specified; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every engagement by promise, grant, agreement, or covenant, which shall be really

Engage-
ments

and *bonâ fide* made, given, or entered into at any time after the passing of this act, for the resignation of any spiritual office, being a benefice with cure of souls, dignity, prebend, or living ecclesiastical, to the intent or purpose, to be manifested by the terms of such engagement, that any one person whosoever, to be specially named and described therein, or one of two persons to be specially named and described therein, being such persons as are herein-after mentioned, shall be presented, collated, nominated, or appointed to such spiritual office, or that the same shall be given or bestowed to or upon him, shall be good, valid, and effectual in the law to all intents and purposes whatsoever, and the performance of the same may also be enforced in equity: provided always, that such engagement shall be so entered into before the presentation, nomination, collation, or appointment of the party so entering into the same as aforesaid.

entered into for the resignation of any benefice upon notice or request to be valid.

Proviso.

II. Provided always, and be it further enacted, that where two persons shall be so specially named and described in such engagement, each of them shall be, either by blood or marriage, an uncle, son, grandson, brother, nephew, or grand nephew of the patron or of one of the patrons of such spiritual office, not being merely a trustee or trustees, of the patronage of the same, or of the person or one of the persons for whom the patron or patrons shall be a trustee or trustees, or of the person or one of the persons by whose direction such presentation, collation, gift, or bestowing shall be intended to be made, or of any married woman whose husband in her right shall be the patron or one of the patrons of such spiritual office, or of any other person in whose right such presentation, collation, gift, or bestowing shall be intended to be made.

Relation-ship of such persons.

III. And be it further enacted, that no presentation, collation, gift, or bestowing to or of any such spiritual office of or upon any spiritual person, to be made after the passing of this act, nor any admission, institution, investiture, or induction thereupon, shall be void, frustrate, or of no effect in law for or by reason of any such engagement so to be made, given, or entered into by such spiritual person, or any other person or persons, to or with the patron or patrons of such spiritual office, or to or with any other person or persons, for

No presentation to any spiritual office shall be void by reason of such agreement to resign.

Persons making such agreement not to be liable to penalty.

Such presentations to be valid.

31 Eliz.
c. 6.

Not to extend to any engagements, unless the deed be deposited within two months with the registrar of the diocese or peculiar jurisdiction wherein the benefice is situated.

the resignation of the same as aforesaid; and that it shall not be lawful for the King's most excellent majesty, his heirs or successors, for or by reason of any such engagements as aforesaid, to present or collate unto, or give or bestow such spiritual office; and that such spiritual person, and patron or patrons, or other person or persons respectively, shall not be liable to any pains, penalty, forfeitures, loss, or disability, nor to any prosecution or other proceeding, civil, criminal, or penal, in any court, ecclesiastical or temporal, for or by reason of his, her, or their having made, given, or entered into, or accepted or taken such engagement as aforesaid; and that every such presentation or collation, or gift or bestowing, to be made after the passing of this act, and every admission, institution, investiture, and induction thereupon, shall be as valid and effectual in the law to all intents and purposes whatsoever as if such engagement had not been made, given, or entered into, or accepted or taken; any thing in an act passed in the thirty-first year of the reign of her late majesty Queen Elizabeth, intituled, 'An act against abuses in elections of scholars and presentations to benefices,' or in any other act, statute, or canon, or any law to the contrary in anywise notwithstanding.

IV. Provided always, and be it further enacted, that nothing in this act shall extend to the case of any such engagement as aforesaid, unless one part of the deed, instrument, or writing by which such engagement shall be made, given, or entered into, shall, within the space of two calendar months next after the date thereof, be deposited in the office of the registrar of the diocese wherein the benefice with cure of souls, dignity, prebend, or living ecclesiastical, for the resignation whereof such engagement shall be made, given, or entered into as aforesaid, shall be locally situate, except as to such benefices with cure of souls, dignities, prebends, or livings ecclesiastical, as are under the peculiar jurisdiction of any archbishop or bishop, in which case such document as aforesaid shall be deposited in the office of the registrar of that peculiar jurisdiction to which any such benefice with cure of souls, dignity, prebend, or living ecclesiastical, shall be subject; and such registrars shall respectively deposit and preserve the same, and shall give and sign a certificate of such

deposit thereof; and every such deed, instrument, or writing shall be produced at all proper and usual hours at such registry to every person applying to inspect the same; and an office copy of each such deed, instrument, or writing, certified under the hand of the registrar (and which office copy so certified the registrar shall in all cases grant to every person who shall apply for the same), shall in all cases be admitted and allowed as legal evidence thereof in all courts whatsoever; and every such registrar shall be entitled to the sum of two shillings, and no more, for so depositing as aforesaid such deed, instrument, or writing, and so as aforesaid certifying such deposit thereof; and the sum of one shilling, and no more, for each search to be made for the same; and the sum of sixpence, and no more, over and besides the stamp duty, if any, for each folio of seventy-two words of each such office copy so certified as aforesaid.

Deed to be open to inspection; and a certified copy to be admitted as evidence.

Fees to registrar.

V. And be it further enacted, that every resignation to be made in pursuance of any such engagement as aforesaid shall refer to the engagement in pursuance of which it is made, and state the name of the person for whose benefit it is made; and that it shall not be lawful for the ordinary to refuse such resignation, unless upon good and sufficient cause to be shewn for that purpose; and that such resignation shall not be valid or effectual, except for the purpose of allowing the person for whose benefit it shall be so made to be presented, collated, nominated, or appointed to the spiritual office thereby resigned, and shall be absolutely null and void, unless such person shall be presented, collated, nominated, or appointed as aforesaid within six calendar months next after notice of such resignation shall have been given to the patron or patrons of such spiritual office.

Resignation to state the engagement, and name of person for whom made.

Resignation to be void, unless the person be presented within six months.

VI. Provided also, and be it further enacted, that nothing in this act shall extend to any case where the presentation, collation, gift, or bestowing to or of any such spiritual office as aforesaid shall be made by the King's most excellent majesty, his heirs or successors, in right of his crown or of his duchy of Lancaster; or by any archbishop, bishop, or other ecclesiastical person, in right of his archbishopric, bishopric, or other ecclesiastical living, office, or dignity; or by any other body politic or corporate, whether aggregate or sole;

Nothing herein to extend to presentations made by the King, &c.

or by any other person or persons, in right of any office or dignity ; or by any company, or any feoffees or trustees for charitable or other public purposes ; or by any other person or persons not entitled to the patronage of such spiritual office as private property.

6° & 7° WILLIAM IV. Cap. 70.

An Act to facilitate the Conveyance of Sites for School Rooms.

WHEREAS it is expedient to promote the education of poor children in the principles of true religion and useful knowledge, and to afford additional facilities for the erection of school rooms to be used for that purpose : be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for the lord or lady of any manor, whether seised in fee simple, fee tail, or for life, or being a corporation aggregate or sole, or a feme covert [with the consent of her husband], or a minor [with the consent of his or her guardian or guardians], or an idiot or lunatic [by his or her committee or committees], to convey to the incumbent and churchwardens of any parish in which a school for the education of poor children is intended to be erected, or to the trustees of any such school in any parish or extra-parochial place, so much of the common or waste grounds in any such parish or extra-parochial place as may be required for the site of such school, and of a house or houses for the master or mistress of such school ; and the conveyance of such part of the common or waste grounds by the lord or lady of the manor wherein the same shall be situate shall be a good and sufficient conveyance for the purpose of vesting the fee simple and inheritance thereof in the parties to whom the same shall be conveyed, for the purpose herein-before specified, as fully and effectually as if every person having right

Lords of manors may convey any part of commons or wastes as sites for poor schools.

of common upon such common or waste grounds had joined in and executed such conveyance.

II. And be it further enacted, that it shall be lawful for all persons being seised in fee simple, fee tail, or for life, *femes covert* [with the consent of their husbands], minors, [with the consent of their guardians], and idiots or lunatics [by their committees], to convey any portion of land of which they may respectively be seised, including copyhold land, if the lord or lady of the manor shall consent thereto, in the same manner, to the same persons, and for the same purpose as herein-before authorized with respect to common or waste ground.

All persons, including those incapacitated by law, may convey land for poor schools.

III. And be it further enacted, that it shall be lawful for any spiritual or ecclesiastical body corporate, or spiritual person being a corporation sole, to convey any portion of land belonging to any such body corporate, or belonging to any such spiritual person in the capacity of a corporation sole in respect of any ecclesiastical preferment held by him, to the incorporated national society for promoting the education of the poor in the principles of the established church, or to the minister and churchwardens for the time being of the parish wherein such lands shall be situate, or to any trustees to be named by the bishop of the diocese, for the purpose of erecting thereon a school room or school rooms to be used for the education of poor children in the principles of the christian religion, according to the doctrines and discipline of the united church of England and Ireland, and also, where it may be required, for the purpose of erecting thereon a house or houses for the master and mistress of such schools: Provided always, that in case of any spiritual person being a corporation sole, the consent of the bishop of the diocese shall be testified by his being a party to the conveyance of such land; and all conveyances made by virtue and according to the provisions of this act shall be valid and effectual in law to all intents and purposes, for vesting the fee simple and inheritance of the land conveyed thereby in the parties to whom the same shall be conveyed for the purpose herein-before specified.

Ecclesiastical bodies, corporate or sole, may convey any portion of their lands as sites for poor schools, &c.

IV. And be it further enacted, that in any case where before the passing of this act a school room or house for a

Provision for school

rooms built before passing of this act.

school master or mistress shall have been built upon common or waste land of a manor, the lord or lady of which was not enabled by law to make a valid and effectual conveyance thereof, or on land belonging to any person or persons or corporation not enabled by law to make a valid and effectual conveyance thereof, such person or persons or corporation shall have, with respect to the site of such school room and house, all the powers which are by this act given with respect to the conveyance of sites upon which school rooms or houses are intended to be built, subject in every case to the provisions in this act contained as to the consent of the bishop of the diocese to the conveyance by a spiritual person being a corporation sole.

Conveyances may be made either for a valuable consideration or as a free gift.

V. And be it further enacted, that all conveyances by this act authorised to be made shall be by bargain and sale enrolled, and may be so made either for a valuable consideration or as a free gift; and that if any money shall be paid to a spiritual person, being a corporation sole, the same shall be applied and disposed of for the benefit of such spiritual person and his successors, in such manner as the bishop in whose diocese the land so conveyed shall be situated shall, by writing under his hand to be registered in the registry of his diocese, direct and appoint.

Land to be conveyed not to exceed in quantity half an acre.

VI. Provided always, nevertheless, and be it further enacted, that it shall not be lawful for any person or persons, corporation or corporations, by virtue of this act to convey any common or waste ground being part of a manor, or any other land or ground, for the site of any school and house or houses for the master or mistress thereof, which shall exceed in quantity one half of a statute acre; and that the quantity and value thereof to be conveyed in every case shall be ascertained immediately previous to such conveyance by a land surveyor, to be appointed, in case the said land or ground shall belong to any spiritual or ecclesiastical body or person, by the bishop of the diocese in which the land shall be situated, by an instrument under his hand; and that the said instrument and the report of the survey and valuation by such surveyor (such report being verified by the declaration of the said surveyor before a justice of the peace, and in case the said land or ground shall belong to any spi-

ritual or ecclesiastical body or person, signed by the bishop in testimony of his approbation thereof), shall be annexed to the deed of conveyance.

1° VICTORIA, Chap. 23.

An Act to amend the Law for providing fit Houses for the beneficed Clergy.

WHEREAS for further promoting the residence of the clergy it is expedient and desirable that the powers and provisions given and made by an act passed in the seventeenth year of the reign of King George the Third, intituled ‘ An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices,’ as the same are explained and amended by an act passed in the twenty-first year of the same reign, intituled ‘ An act to explain and amend an act made in the seventeenth year of the reign of his present majesty, intituled ‘ An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices,’ ’ should be extended: Be it therefore enacted by the Queen’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and immediately after the passing of this act it shall be lawful for the incumbent of any benefice to borrow and take up at interest for the purposes of the said acts, and also for the purpose of buying or procuring, if necessary, a proper site for a house and other necessary buildings, or for the purposes of the said acts only, any sum or sums of money not exceeding three years’ net income of such benefice, and to take all such proceedings as are required in and by the said acts [so far as the same are

17 G. 3.
c. 53.

21 G. 3.
c. 66.

Extension of the provisions of recited acts relating to the repairing and building of houses of residence.

applicable for that purpose], and, as a security for the money so to be borrowed, to mortgage the glebe, tithe, rent-charges, rents, and other profits and emoluments belonging to such benefice, to such person or persons, corporation or corporations aggregate or sole, as shall lend the same money, by one or more deed or deeds, for the term of thirty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied, according to the terms and conditions of the said acts [so far as the same are applicable, and not hereby repealed or altered]; and that from and after the expiration of the first year of the said term [in which year no part of the principal sum borrowed shall be repayable] the incumbent shall yearly and every year [such year to be computed from the day of the date of the mortgage] pay to the mortgagee one thirtieth part of the said principal sum, until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year pay the yearly interest on the said principal sum, or on so much thereof as shall from time to time remain unpaid, in each case according to the terms and conditions of the said acts, except so far as the same are hereby repealed or altered; and such mortgage deed or deeds shall be made as nearly as may be in the form or to the effect of the form contained in the schedule to the said acts or one of them, and shall bind every succeeding incumbent of such benefice until the principal and interest, costs and charges, shall be paid off and discharged, as fully and effectually as if such successor had made and executed the same.

Repeal of so much as requires non-residents to pay 10% per cent. of sum borrowed, &c.

II. And be it enacted, that so much of the said acts as requires the incumbent of a benefice mortgaged under the provisions thereof, if non-resident, to pay ten pounds per centum per annum of the money originally advanced, and obliges an incumbent paying five pounds per centum per annum to produce a certificate of residence, shall be and the same are hereby repealed as to all mortgages to be made after the passing of this act.

The yearly instalments of principal sums se-

III. And be it enacted, that for the future, as to every mortgage which has been made to the governors of the bounty of Queen Anne for the augmentation of the main-

tenance of the poor clergy, by any bishop, under the powers of an act of parliament specially enabling him, whereby a greater yearly instalment than one thirtieth part of the principal sum is stipulated to be paid, or by the incumbent of a benefice, by virtue of the two before-mentioned acts, the instalment of the principal sum to be paid in every year to the said governors or their assigns by such bishop or by the incumbent [whether such incumbent shall have been resident for the space of twenty weeks in the year for which such instalment shall be payable, or not, and without the production of any certificate of such residence], shall be one thirtieth part of the principal sum originally advanced on such mortgage, in lieu of the yearly instalment thereby stipulated to be paid, until the whole of the said principal sum shall be fully discharged and paid, such substituted yearly instalment to commence and be paid in each case on the day when the next yearly instalment by virtue of the said mortgage shall become due; and the mortgages made to the said governors of the estates of any bishopric, or of the glebe, tithes, rents, and other profits and emoluments of any benefice, shall in every case be and remain in force as a security for the yearly instalments of the principal by the said mortgages agreed to be paid, as well as for the payment of the interest arising on such mortgages, and with all the powers and remedies for enforcing the same given by the said respective acts, until the money borrowed, and all interest for the same, and also all costs and charges which shall be occasioned by the nonpayment thereof, shall be fully paid and discharged, in like manner as if such substituted yearly instalments had been expressly mentioned in and secured by the said mortgages, the expiration of the term of years granted by the said mortgages, or any other cause or matter whatsoever, notwithstanding.

IV. And be it further enacted, that it shall be lawful for the said governors to advance and lend any sum or sums of money not exceeding the sum of one hundred pounds in respect of each benefice, out of the money which has arisen or shall from time to time arise from the said bounty for promoting and assisting the several purposes of the said acts and of this act, with respect to any such benefices as shall not exceed the clear annual improved value of fifty pounds,

cured by existing mortgages to the governors of Queen Anne's bounty reduced.

Governors of Queen Anne's bounty may advance 100*l.* for benefices not exceeding 50*l.* a year without interest.

and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are hereinbefore mentioned, but no interest shall be paid for the same; and in cases where the annual value of such benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said governors to advance and lend for the same purposes any sum or sums of money to the extent authorized by this act to be borrowed, upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

Colleges,
&c. may
advance
money in-
terest-free
to benefices
in their
patronage
for houses.

V. And be it enacted, that it shall be lawful for any college or hall within the universities of Oxford or Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act, for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation or convenience of the clergy, or sites for such houses and buildings, upon benefices in the patronage of such colleges or halls respectively, upon the mortgage and security directed by this act for the repayment of the principal without taking any interest for the same.

Old bene-
fice houses
in certain
cases may
be con-
verted into
farming
buildings
for the
tenants of
the glebe.

VI. And be it enacted, that when it shall happen that any existing house and offices belonging to any benefice shall be unfit for the residence of the incumbent thereof, and shall be incapable of being enlarged or repaired so as to be rendered fit for his residence; and it shall be so certified to the bishop of the diocese wherein such benefice shall be situate by some competent surveyor or architect, and that it will be advantageous to the benefice that such house and offices should be suffered to remain, it shall be lawful for such incumbent, with the consent in writing of such bishop [such consent to be registered in the registry of such bishop], to allow such house and offices to remain standing as a dwelling-house and offices, or to convert the same into farming buildings for the use and occupation of the occupier or occupiers of the glebe lands belonging to such benefice; and from and after the complete erection or the purchase of a new house and offices, to the satisfaction of the bishop of the diocese,

such old house and offices shall from thenceforth be used for, and converted to the purposes aforesaid; and the house and offices to be so erected or purchased, shall from thenceforth to all intents and purposes, be deemed and taken to be the residence house of and for such benefice, without the necessity of obtaining any licence or faculty for that purpose.

VII. And be it enacted, that where the residence house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons, it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the incumbent of such benefice, and he is hereby authorized and empowered, with the consent and approbation of the ordinary and patron thereof, and of the archbishop of the province, to be signified by their executing the deed of conveyance hereby authorized to be made, absolutely to sell and dispose of such house, gardens, orchard, and appurtenances, any or either of them, with any land contiguous thereto not exceeding——acres, to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary and patron and archbishop shall appear fair and reasonable, and upon payment of the purchase money for the same as hereinafter mentioned by deed indented, to convey and assure such house, gardens, orchard, land, and appurtenances unto and to the use of the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct or appoint.

Power to incumbent (with consent of patron and ordinary and archbishop) to sell house of residence if inconveniently situated, or under special circumstances.

VIII. And be it enacted that the monies to arise from such sale or sales as aforesaid shall be paid to the said governors of the bounty of Queen Anne; and that the receipt or receipts of the treasurer for the time being of the said governors shall be and be deemed and taken to be an effectual discharge to the person or persons paying such monies, or for so much thereof as in such receipt or receipts shall be expressed; and after obtaining such receipt or receipts such purchaser or purchasers shall be absolutely discharged from the money for which such receipt or receipts shall be given, and shall not be answerable or accountable for the loss, misapplication, or non-application of such monies or any part thereof.

Purchase monies to be paid to the governors of Queen Anne's bounty;

IX. And be it enacted, that the monies to arise from such

to be applied to buy

or build a house for incumbent's residence.

sale or sales as aforesaid shall, after payment of all costs, charges, and expenses of such sale or sales, be applied and disposed of by the said governors in or towards the erection or purchase of some other house and offices, or the purchase of an orchard, garden, and appurtenances, or land for the site of a house, any or either of them, together with land contiguous thereto, and not exceeding twelve acres, suitable for the residence and occupation of the incumbent of such benefice, and approved of by the said ordinary and patron, such approval to be signified under the respective hands of such ordinary and patron, and to be deposited in the registry of such ordinary; and such house shall from thenceforth be deemed and taken to be the house of residence of such benefice for all purposes whatsoever.

How consent of patron to be testified when patronage in the crown.

X. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patronage of such benefice shall be in the crown, the consent of the crown to the exercise of such power shall be testified in the manner hereinafter mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the queen's books, the instrument by which the power shall be exercised shall be executed by the lord high treasurer or first lord commissioner of the treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the Queen's books, such instrument shall be executed by the lord high chancellor, lord keeper, or lords commissioners of the great seal for the time being; and if such benefice shall be within the patronage of the crown in right of the duchy of Lancaster, such instrument shall be executed by the chancellor of the said duchy for the time being; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of this act, to be an execution by the patron of the benefice.

How consent to be given when patronage is attached to the duchy of Cornwall.

XI. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by the said acts or by this act, and the advowson and right and patronage of such benefice shall be part of the possessions of the duchy of Cornwall, the consent of the patron of such benefice to the exercise of

such power shall be testified in the manner herein-after mentioned; (that is to say,) the instrument by which the power shall be exercised shall be executed by the duke of Cornwall for the time being, if of full age; but if such benefice shall be within the patronage of the crown in right of the duchy of Cornwall, such instrument shall be executed by the same person or persons who is or are by the said acts authorized to testify the consent of the crown to the exercise of any power given thereby in respect of any benefice in the patronage of the crown; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of the said acts and of this act, to be an execution by the patron of the benefice.

XII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron [but in case of a feme covert with her consent in writing] to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall, for the purposes of this act, be deemed and taken to be an execution by the patron of the benefice.

How consent to be given where patron is an incapacitated person.

XIII. And be it enacted, that all powers, authorities, provisions, forms, and matters in the said acts contained shall, except as is herein otherwise directed, extend and be applicable, *mutatis mutandis*, to all mortgages and other instruments made, as well under and for the purposes of this act as of the before-mentioned acts, and as if the same had been respectively repeated and set forth herein.

Remaining powers of recited acts extended to this act.

XIV. And be it enacted, that in the case of a purchase as aforesaid, the several powers and provisions contained in an act made and passed in the seventh year of the reign of his majesty King George the Fourth, intituled 'An act to render more effectual the several acts now in force to promote the residence of the parochial clergy, by making provision for purchasing houses and other necessary buildings for the use of their benefices,' shall be and the same are hereby extended to this act for the purposes aforesaid.

In case of a purchase the powers of act 7 G. 4. c. 66. to apply.

Sequestrations under act 17 G. 3. c. 53. to have priority.

XV. And be it enacted, that every sequestration to be issued under the provisions of the said act of the seventeenth year of the reign of King George the Third shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations and the sums to be thereby recovered, except such sequestrations as shall be founded on judgments duly signed and docketed before the passing of this act.

Construction of "benefice" in this act.

XVI. And be it further enacted, that in the construction of this act the word "benefice" shall be deemed, construed, and taken to extend to and comprise all rectories with cure of souls, vicarages, perpetual curacies and chapelries, the incumbents of which respectively in right thereof shall be corporations sole.

1° & 2° VICTORIA, Chap. 29.

An Act to supply an Omission in an Act passed in the present Session of Parliament, intituled 'An Act to amend the Law for providing fit Houses for the beneficed Clergy.'

1 Vict.
c. 23.

WHEREAS an act of parliament was passed in the present session of parliament, intituled 'An act to amend the law for providing fit houses for the beneficed clergy : ' and whereas the seventh section of the said act is in the words following ; (that is to say,) " and be it enacted, that where the residence house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the incumbent of such benefice, and he is hereby authorized and empowered, with the consent and approbation of the ordinary and patron thereof and of the archbishop of the province, to be signified by their executing the deed of conveyance hereby authorized to be made, absolutely to sell and dispose of such house, gardens, orchard, and appurtenances, any or either of them, with any land contiguous thereto, not exceeding — acres,

to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary and patron and archbishop shall appear fair and reasonable, and upon payment of the purchase money for the same as herein-after mentioned, by deed indented, to convey and assure such house, gardens, orchard, land, and appurtenances unto and to the use of the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct or appoint :” And whereas the space in the said recited section of the said act between the words “ exceeding” and “ acres,” which was intended to be supplied with the word “ Twelve,” was inadvertently left blank : be it declared and enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, That the said herein-before recited section of the said act of parliament shall be deemed, construed, and taken to have such and the same effect to all intents and purposes whatsoever as if the said word “ twelve ” had been originally inserted therein between the words “ exceeding ” and “ acres.”

Sect. 7. in the recited act to have the intended effect, notwithstanding the omission.

1° & 2° VICTORIA, CHAP. 106.

An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.

WHEREAS an act was passed in the twenty-first year of the reign of King Henry the Eighth, intituled, ‘ An act that no spiritual persons shall take to ferm of the king, or any other person, any lands or tenements for term of life, lives, years, or at will, &c. ; and for pluralities of benefices ; and for residence ;’ the whole of which recited act (excepting only such parts as relate to pluralities of benefices) has since been repealed by an act passed in the fifty-seventh year of the reign of king George the Third, intituled, ‘ An act to consolidate and amend the laws relating to spiritual persons

21 H. 8.
c. 13.

57 G. 3.
c. 99.

holding of farms ; and for enforcing the residence of spiritual persons on their benefices ; and for the support and maintenance of stipendiary curates in England :’ And whereas it is expedient to consolidate and amend the said laws, and to restrain the holding of pluralities, and to make further provision for enforcing the residence of spiritual persons upon their benefices, and to limit the exemptions from such residence ; and also to make further provision respecting the appointment and support of stipendiary curates in England ; be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, That so much of the said recited acts as is now in force shall be and the same is hereby repealed ; save and except only such part of the said last-recited act as repeals certain acts and parts of acts therein particularly recited : Provided always, that nothing herein contained shall exempt any person from any penalties incurred under the said last-recited act before the time of passing this act, or take away or affect any proceedings for recovery thereof, whether commenced or not before the passing of this act ; or shall annul or abridge any licence granted under the provisions of the said last-recited act before the time of passing this act.

Both acts now wholly repealed ; saving as to penalties already incurred, or licences already granted.

Not more than two preferments to be held together ;

II. And be it enacted, that from and after the passing of this act no spiritual person holding more benefices than one shall accept and take to hold therewith any cathedral preferment, or any other benefice ; and that no spiritual person holding any cathedral preferment, and also holding any benefice, shall accept and take to hold therewith any other cathedral preferment or any other benefice ; and that no spiritual person holding any preferment in any cathedral or collegiate church shall accept and take to hold therewith any preferment in any other cathedral or collegiate church ; any law, canon, custom, usage, or dispensation to the contrary notwithstanding : Provided, that nothing herein-before contained shall be construed to prevent any archdeacon from holding, together with his archdeaconry, two benefices, under the limitations herein-after mentioned with respect to distance, joint yearly value, and population, and one of which

benefices shall be situate within the diocese of which his archdeaconry forms a part, or one cathedral preferment in any cathedral or collegiate church of the diocese of which his archdeaconry forms a part, and one benefice situate within such diocese; or to prevent any spiritual person holding any cathedral preferment, with or without a benefice, from holding therewith any office in the same cathedral or collegiate church, the duties of which are statutably or accustomedly performed by the spiritual persons holding such preferment.

III. And be it enacted, that, except as herein-after provided, no spiritual person holding any benefice shall accept and take to hold therewith any other benefice, unless it shall be situate within the distance of ten statute miles from such first-mentioned benefice.

nor two benefices, unless within ten miles of each other;

IV. And be it enacted, that, except as herein-after provided, no spiritual person holding a benefice with a population of more than three thousand persons, shall accept and take to hold therewith any other benefice having, at the time of his admission, institution, or being licensed thereto, a population of more than five hundred persons; nor shall any spiritual person holding a benefice with a population of more than five hundred persons, accept and take to hold therewith any other benefice having, at the time of his admission, institution, or being licensed thereto, a population of more than three thousand persons; nor shall any spiritual person hold together any two benefices if, at the time of his admission, institution, or being licensed to the second benefice, the value of the two benefices jointly shall exceed the yearly value of one thousand pounds.

nor if population of one such benefice is more than 3,000, or joint yearly value shall exceed 1,000*l*.

V. And be it enacted, that in case the bishop or bishops, (as the case may be,) to whom any two benefices, within the distance of ten miles from each other, shall respectively be subject, — which, under the provision herein-before contained, might not be holden together, but one of which benefices shall be below the yearly value of one hundred and fifty pounds, and the population of which shall exceed two thousand persons, — shall think it expedient that the incumbent of one of such benefices should be permitted to hold the said two benefices together, the said bishop or bishops shall

If yearly value of one of said benefices be less than 150*l*., and the population shall exceed 2,000 persons, the two may be held jointly,

after state-
ment of
reasons by
the bishop.

Proviso as
to residence
on larger
parish.

be at liberty, upon application made to him or them for that purpose by such incumbent, to state, in writing under his or their hand or hands, the reason why such benefices should be holden together; and in such case it shall be lawful for the said incumbent to hold the said two benefices together: Provided always, that in the last-mentioned case the bishop of the diocese within which such benefice having a population exceeding two thousand persons is situate, may from time to time, if he shall so think fit, by an order under his hand, and revocable at any time, require that such incumbent should keep residence on, and personally serve, such benefice during the space of nine months in each year; and if such incumbent shall not, in obedience to the terms of such order, and until the same be revoked, reside on, and personally serve such benefice, he shall be liable to all the penalties for non-residence imposed by this act, notwithstanding he may have a legal exemption permanent or temporary from residence, or may be resident on some other benefice of which he may be possessed, or may be performing the duties of an office, and the performance of the duties of which might in other cases be accounted as residence on some benefice: Provided always, that such spiritual person may, within one month after service upon him of any such order, appeal to the archbishop of the province, who shall confirm or rescind such order as to him may seem just and proper.

Licence or
dispensa-
tion to hold
together
any two
benefices
must be
obtained
from the
archbishop
of Can-
terbury.

VI. Provided always, and be it enacted, that before any spiritual person shall be allowed to hold any two benefices together under any provision of this act it shall be necessary for such person to obtain from the archbishop of Canterbury for the time being, a licence or dispensation for the holding thereof; which licence or dispensation the said archbishop is hereby empowered to grant under the seal of his office of faculties, upon being satisfied as well of the fitness of the person, as of the expediency of allowing such two benefices to be holden together, and that such licence or dispensation shall issue in such manner and form as the said archbishop shall think fit: and for such licence or dispensation there shall be paid to the registrar of the said office the sum of thirty shillings and no more, and to the seal keeper thereof the sum of two shillings and no more; and that no stamp duty, nor any other fee, save as herein-before mentioned,

shall be payable on the licence or dispensation to be granted as aforesaid, nor shall any confirmation thereof be necessary; nor shall it be required of any spiritual person applying for any such licence or dispensation to give any caution or security, by bond or otherwise, before such licence or dispensation is granted; and if the said archbishop of Canterbury shall refuse or deny to grant any such licence or dispensation as aforesaid, it shall be lawful for her Majesty, if she, by the advice of her Privy Council, shall think fit, upon application by the person to whom such licence or dispensation shall have been refused or denied, to enjoin the said archbishop to grant such licence or dispensation, or to show to her Majesty in council sufficient cause to the contrary, and thereupon to make such order touching the refusal or grant of such licence or dispensation as to her Majesty in council shall seem fit; and such order shall be binding upon the archbishop.

VII. And be it further enacted, that where any spiritual person shall be desirous of obtaining a licence or dispensation for holding together any two benefices, such spiritual person shall, previously to applying for the grant of such licence or dispensation, deliver to the bishop of the diocese where both benefices are situate in the same diocese, or to the bishops of the two dioceses where such benefices are situate in different dioceses, a statement in writing under his hand, verified as such bishop or bishops respectively may require, according to a form or forms to be promulgated from time to time by the archbishop of Canterbury, and approved by the Queen in council; in which statement such spiritual person shall set forth, according to the best of his belief, the yearly income arising from each of the said benefices, separately, on an average of the three years ending on the twenty-ninth day of September next before the date of such statement, and the sources from which such income is derived, and also the yearly amount, on an average of the same period of three years, of all taxes, rates, tenths, dues, and other permanent charges and outgoings to which the same benefices are respectively subject, and also the amount of the population of each of the said benefices, to be computed according to the last returns made under the authority of parliament, and also the distance between the two benefices, to be computed ac-

A statement of certain particulars to be made by every spiritual person to the bishop of the diocese previous to application for a licence or dispensation.

Bishop may make inquiry as to the accuracy of statement. Bishop to transmit a certificate to the archbishop of Canterbury, setting forth copy of the statement made to the bishop, and other particulars.

According to the directions of this act; and it shall be lawful for the bishop to whom such statement shall be delivered, to make any inquiry which he may think right as to the correctness of the same in respect to the benefices or benefice within his diocese; and such bishop is hereby required, within the space of one month after he shall have received such statement as aforesaid, to transmit to the archbishop of Canterbury a certificate under his hand, in which certificate such bishop shall set forth, or shall annex thereto, a copy of the statement delivered to him as aforesaid, and shall thereby certify the amount at which he considers that the annual value and the population of each of the two benefices (where both benefices are situate in the same diocese), and the distance of the said two benefices from each other, or the amount at which he considers the annual value and the population of the benefice within the diocese of such bishop (where the two benefices are situate in different dioceses); and the distance of such benefice from the other benefice, ought to be taken, with respect to the licence or dispensation in question: and whenever both or either of the benefices shall be in the diocese or jurisdiction of the archbishop of Canterbury, a certificate shall be made out in manner aforesaid by the archbishop, and shall be retained by him.

How annual value of two benefices to be held together by dispensation to be estimated.

VIII. And be it further enacted, that in estimating the annual value of any benefice for the purpose of any such certificate as aforesaid it shall be lawful for the archbishop or bishop by whom such certificate shall be made, and every such archbishop and bishop is hereby directed, to deduct from the gross amount of the yearly income arising from such benefice all taxes, rates, tenths, dues, and other permanent charges and outgoings to which such benefice shall be subject, but not to deduct or allow for any stipend or stipends to any stipendiary curate or curates, nor for such taxes or rates in respect of the house of residence on any benefice, or of the glebe land belonging thereto, as are usually paid by tenants or occupiers, nor for monies expended in the repair or improvement of the house of residence and buildings and fences belonging thereto.

Certificate to be de-

IX. And be it further enacted, that the certificate or certificates to be transmitted to or retained by the archbishop

of Canterbury as aforesaid, shall be deposited in the said Office of Faculties; and, in the event of the required licence or dispensation being granted, shall, for the purposes of this act, be conclusive evidence of the annual value and population of each of the benefices to which the same shall relate, and of their distance from each other; and the registrar of the Faculties shall, and he is hereby required, to produce such certificate or certificates to any person who may require to inspect the same.

posited in Office of Faculties; and to be conclusive evidence of value, population, and distance.

X. And be it further enacted, that for all the other purposes of this act, the annual value of all benefices shall be the net annual value thereof, to be estimated in the same manner as is herein-before directed for the purpose of any such certificate as aforesaid; and that it shall be lawful for the court before whom any suit shall be depending for the recovery of any penalty or forfeiture under this act, and for any bishop acting under any of the provisions of this act, to make, or cause to be made, such inquiries, and call for such evidence as such court or bishop shall think fit; and otherwise to proceed upon the best information which such court or bishop may be able to procure, for estimating in manner aforesaid the annual value of any benefice: and with respect to the same, the decision of such court or of such bishop, founded on such evidence or other information, shall be final and conclusive, save when appealed from in due course of law.

In other cases how annual value to be estimated.

XI. And be it enacted, that if any spiritual person, holding any cathedral preferment or benefice, shall accept any other cathedral preferment or benefice, and be admitted, instituted, or licensed to the same contrary to the provisions of this act, every cathedral preferment or benefice so previously held by him shall be and become *ipso facto* void, as if he had died or had resigned the same, any law, statute, canon, usage, custom, or dispensation to the contrary notwithstanding: and if any spiritual person holding any two or more benefices shall accept any cathedral preferment, or any other benefice, or if any spiritual person holding two or more cathedral preferments shall accept any benefice, or if any spiritual person holding any cathedral preferment or preferments, and benefice or benefices, shall accept another benefice, he shall, before he is instituted, licensed, or in any

Acceptance of preferment contrary to this act vacates the former preferment.

way admitted to the said cathedral preferment or benefice, in writing under his hand, declare to the bishop or bishops within whose diocese or dioceses any of the cathedral preferments or benefices previously holden by him are situate; which cathedral preferment and benefice, or which two benefices, (such two benefices being tenable together under the provisions of this act) he proposes to hold together; and a duplicate of such declaration shall by such spiritual person be transmitted to the registry of the diocese, and be there filed: and immediately upon any such spiritual person being instituted, licensed, or in any way admitted to the cathedral preferment or benefice which he shall have accepted as aforesaid, such cathedral preferment or preferments, benefice or benefices as he previously held, and as he shall not as aforesaid have declared his intention to hold, or such benefice as shall not be tenable under the provisions of this act with such newly-accepted benefice, shall be and become *ipso facto* void, as if he had died or had resigned the same: and if such spiritual person shall in any such case refuse or wilfully omit to make such declaration as aforesaid, every cathedral preferment and benefice which he previously held shall be and become *ipso facto* void as aforesaid: Provided always, that nothing herein contained shall be construed to affect the provision herein-before made with respect to archdeacons, or with respect to spiritual persons holding, with any cathedral preferment, and with or without a benefice, offices in the same cathedral or collegiate church.

Present rights of possession saved.

XII. And be it enacted, that nothing herein-before contained shall be construed to prejudice or affect the right of possession in any cathedral preferment or benefice to which any spiritual person shall have been collated, admitted, instituted, or licensed, or which shall have been otherwise granted to any spiritual person before the passing of this act, unless he shall, after the passing of this act, accept or take some cathedral preferment or benefice contrary to the provisions of this act.

Saving of other rights.

XIII. And be it enacted, that nothing in this act contained shall be construed to prevent any spiritual person possessed of one or more than one benefice at the time of the passing of this act, and to whom, or in trust for whom, the advowson

of, or the next presentation or nomination to any other benefice has been conveyed, granted, or devised by any deed or will made before the twenty-third day of December, one thousand eight hundred and thirty-seven, from taking the said last-mentioned benefice, and holding together such benefice, and any one such first-mentioned benefice (although the benefices to be held together be not within the limits nor under the joint yearly value, nor the population thereof under the amount, prescribed by this act); but so nevertheless that the said two benefices be such as might have been held together before the passing of this act by dispensation duly granted and confirmed: and the bishop of the diocese in which such second or other benefice is situate, shall and may, after a licence or dispensation shall have been obtained by such spiritual person as is by this act required for holding two benefices together, admit, institute, or license such spiritual person thereto, any thing herein contained to the contrary notwithstanding; unless such spiritual person, after the passing of this act, and before he shall be so admitted, instituted, or licensed to such second or other benefice as aforesaid, shall have accepted and taken any cathedral preferment or any other benefice, the holding of which with such second or other benefice would be contrary to the provisions of this act.

XIV. Provided also, and be it enacted, that nothing herein-before contained shall be construed to prevent the reverend Frederick Vernon Lockwood, the reverend Edward Repton, or the reverend Temple Frere, formerly chaplains to the House of Commons, from taking and holding with any benefice of which any of them was in possession at the time of the passing of this act, any cathedral preferment, or any benefice which may be conferred on them, or either of them, by her Majesty, in consideration of their respective services as such chaplains; although any such benefices be not within the limits nor under the joint yearly value, nor the population thereof under the amount, prescribed by this act.

XV. And whereas it is expedient to alter and amend the provisions made by an act passed in the thirty-seventh year of the reign of king Henry the Eighth, intituled, 'An act for the union of churches not exceeding the value of six pounds;'

Saving as to former chaplains to the House of Commons.

Acts 37
H. 8. c.21.
and 17 Car.
2. c. 3. for
uniting
churches,
repealed;

and by another act passed in the seventeenth year of the reign of king Charles the second, intituled, 'An act for uniting churches in cities and towns corporate;' be it enacted, that the said last-recited acts shall be and the same are hereby repealed.

and their
provisions
re-enacted
and ex-
tended.

XVI. And be it enacted, that whenever it shall appear to the archbishop of the province, with respect to his own diocese, and whenever it shall be represented to him by the bishop of any diocese, or by the bishops of any two dioceses, that two or more benefices, or that one or more benefice or benefices, and one or more spiritual sinecure rectory or rectories, vicarage or vicarages, in his or their diocese or dioceses, (being either in the same parish or contiguous to each other, and of which the aggregate population shall not exceed one thousand five hundred persons, and the aggregate yearly value shall not exceed five hundred pounds), may with advantage to the interests of religion, be united into one benefice, the said archbishop of the province shall inquire into the circumstances of the case; and if on such inquiry it shall appear to him that such union may be usefully made, and will not be of inconvenient extent, and that the patron or patrons of the said benefices, sinecure rectory or rectories, vicarage or vicarages respectively, is or are consenting thereto, such consent being signified in writing under the hands of such patron or patrons, the said archbishop shall, six weeks before certifying such inquiry and consent to her Majesty as herein-after directed, cause, with respect to his own diocese, a statement in writing of the facts, and in other cases a copy in writing of the aforesaid representation, to be affixed on or near the principal outer door of the church, or in some public and conspicuous place in each of such benefices, sinecure rectories, or vicarages, with notice to any person or persons interested, that he, she, or they may, within such six weeks, show cause, in writing under his, her, or their hand or hands, to the said archbishop against such union; and if no sufficient cause be shown within such time, the said archbishop shall certify the inquiry and consent aforesaid to her Majesty in council; and thereupon it shall be lawful for her Majesty in council to make and issue an order or orders for uniting such benefices, sinecure rectory or rectories, vicarage

or vicarages, into one benefice, with cure of souls, for ecclesiastical purposes only; and it shall be lawful for her Majesty in council to give directions for regulating the course and succession in which the patrons, if there be more than one patron, shall present or nominate to such united benefice from time to time as the same shall become vacant, and for determining, if such united benefice shall be in two dioceses, to which of such dioceses such benefice shall belong; and such order or orders shall be registered in the registry or registries of the diocese or respective dioceses to which such united benefice shall be determined to belong, and to which either or any of the united benefices, sinecure rectories, or vicarages shall have belonged when separate; which order or orders the registrar or registrars of such diocese or respective dioceses, immediately on the receipt thereof, are hereby required to register accordingly; and such order or orders shall thenceforth be binding on all parties whatsoever: and if at the time of the registration of such order or orders all the benefices, sinecure rectories, or vicarages ordered to be united shall not be holden by the same incumbent, then if any of such benefices, sinecure rectories, or vicarages shall at such time be vacant, (and if not, then upon every avoidance, until all the said benefices, sinecure rectories, or vicarages but one shall come to be holden by the same incumbent,) the patron of the vacant benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, shall be bound to present or nominate, and the bishop shall be bound to admit and institute or license, to the vacant benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, the incumbent of the other or one of the other benefices, sinecure rectory or rectories, vicarage or vicarages so ordered to be united; and if both, or all, (as the case may be), shall be holden by the same incumbent at the time of the registration of such order or orders, or all but one of the said benefices, sinecure rectories, or vicarages shall at such time be vacant, then immediately, or otherwise on the first avoidance of either or any of such benefices, sinecure rectories, or vicarages, after all but one shall have come to be holden by the same incumbent, the said benefices, sinecure rectory or rectories, vicarage or vicarages shall become permanently united to-

gether, and shall be and be deemed and taken to be one benefice, with cure of souls, to all intents and purposes ; unless and until the same shall be afterwards disunited in the manner herein-after enacted : Provided always, that notwithstanding any such union the parishes or places of which such united benefice shall consist shall continue distinct as to all secular rates, taxes, charges, duties, and privileges, and in all other respects except as herein-before specified.

Glebe lands, &c. may in certain cases be excepted out of any united benefice to augment the provision for any other adjoining poor benefice by an exchange in such manner that the augmentation shall be situate within the limits of such other benefice.

XVII. And be it enacted, that when it shall further appear to the archbishop of the province, with respect to his own diocese, or it shall be further represented to him by the bishop of any other diocese, that the total income of any benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, proposed to be united as aforesaid, would be larger than sufficient for the due maintenance and support of the incumbent of the benefice when united, and that the whole or some specified part or parts of the glebe lands, tithes, rent-charges, tenements, and hereditaments belonging to the benefice or benefices, sinecure rectory or rectories, vicarage or vicarages proposed to be united, or any of them, might and could, with advantage to the interests of religion, be excepted out of such union, and be exchanged for certain other lands, tithes, tenements, and hereditaments, or any of them, in some other specified benefice situate in the same diocese, and having no competent provision belonging thereto, and that the lands, tithes, tenements, or hereditaments proposed to be given in exchange for such excepted lands, tithes, rent-charges, tenements, or hereditaments might with like advantage be granted, conveyed, and assured as a further perpetual endowment for the incumbent of such last-mentioned benefice ; and that the patron or patrons of the said benefice or benefices, sinecure rectory or rectories, vicarage or vicarages respectively, and the incumbent or incumbents for the time being thereof respectively (or of such thereof as shall not be then vacant), and the owner or owners, impropriator or impropriators of such lands, tithes, tenements, or hereditaments respectively so proposed to be given in exchange is or are consenting thereto, such consent to be signified in writing under their respective hands, it shall be lawful for the said archbishop, after inquiring into such

further matter, to certify in like manner as aforesaid such further circumstances to her Majesty in council; and thereupon it shall be lawful for her Majesty, in and by such order as aforesaid, or any other order or orders, to direct that such first-mentioned lands, tithes, rent-charges, tenements, and hereditaments shall be excepted out of such united benefice, and be granted, conveyed, and assured unto such owner or owners, impropiator or impropiators as aforesaid, in exchange for an equal value of lands, tithes, tenements, or other hereditaments situate or arising within the limits of such benefice, to be by such owner or owners, impropiator or impropiators, granted, conveyed, and assured for the further endowment of such other benefice; and such order or orders shall be registered in the register of the diocese to which such united benefice and other benefice shall belong; and which order or orders the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly; and such order or orders shall thenceforth be binding on all parties whatsoever: and such lands, tithes, tenements, and hereditaments, so directed to be granted, conveyed, and assured to such owner or owners, impropiator or impropiators as aforesaid, shall, immediately upon and after the execution and inrolment in manner herein-after directed of the deed or deeds, instrument or instruments herein-after mentioned, be for ever freed and discharged of and from all estate, right, title, and interest whatsoever of all and every the incumbent or incumbents for the time being of the said benefices, sinecure rectory or rectories, vicarage or vicarages so to be united, and become and be subject and liable in every respect, to all and singular the uses, trusts, estates, and charges of or to which the lands, tithes, rent-charges, tenements, or other hereditaments so granted, conveyed, or assured by such owner or owners, impropiator or impropiators, for such further endowment as aforesaid, may at the time of such execution have been subject or liable: and that such last-mentioned lands, tithes, rent-charges, tenements, or other hereditaments so granted, conveyed, and assured by such owner or owners, impropiator or impropiators, for such further endowment as aforesaid, shall in like manner become, and be for ever, annexed to such other

benefice for the further endowment of which the same shall be so granted, conveyed, and assured; and be held and enjoyed for ever by the incumbent for the time being thereof, as part of the endowment thereof, freed and discharged of and from all uses, trusts, estates, and charges whatsoever to which the same respectively, or any part thereof, were or was before subject or liable.

Such conveyances in exchange to be by deed in writing, under the hands and seals of all parties interested, to be inrolled in chancery.

XVIII. Provided always, and be it further enacted, that all such grants, conveyances, and assurances as aforesaid shall be made by a deed or deeds, instrument or instruments in writing, under the hand and seal or hands and seals of the patron or patrons of the benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, affected thereby, and of the owner or owners, impropiator or impropiators of the lands, tithes, tenements, and hereditaments so to be given in exchange as aforesaid; and the bishop of the diocese for the time being shall testify his approval thereof by being a party and affixing his episcopal seal thereto: and the incumbent or incumbents for the time being of such of the said benefice or benefices, sinecure rectory or rectories, vicarage or vicarages, as shall not be then vacant, shall testify his or their approval by being a party or parties to, and signing the same respectively; and shall be the party or parties by whom the grant, conveyance, and assurance to be made or executed to such owner or owners, impropiator or impropiators as aforesaid shall be made and executed; and such deed or deeds, instrument or instruments in writing, shall be inrolled in her Majesty's High Court of Chancery within six calendar months after the execution thereof respectively, or else have no operation under this act.

Approval of bishop of the diocese.

XIX. Provided always, and be it enacted, that the approval of the said bishop, testified as aforesaid, shall be conclusive that the lands, tithes, rent-charges, tenements and hereditaments so to be granted, conveyed, and assured under or by virtue of the provisions aforesaid, were respectively of the proper value required by this act, and were respectively granted, conveyed, and assured in due accordance with the provisions aforesaid.

No union, except under this act.

XX. Provided also, and be it enacted, that from and after the passing of this act, it shall not be lawful to unite two or

more benefices into one benefice in any other form or manner, or under any other circumstances than is herein-before provided; and that if any such union shall be made in any other form or manner, or under any other circumstances than as it is herein-before provided, the same shall be void to all intents and purposes whatsoever; any statute, law, canon, custom, or usage to the contrary notwithstanding.

XXI. And whereas from the increase of population, or from other circumstances, it may be expedient that two or more benefices which have been heretofore united, or which may be hereafter united under the provisions of this act, should be disunited; be it enacted, That when two or more benefices shall have been united, or may be hereafter united into one benefice, and, with respect to his own diocese, it shall appear to the archbishop of the province, or the bishop of any diocese shall represent to the said archbishop of the province, that one or more of the benefices within his diocese of which such united benefice shall consist may be separated therefrom with advantage to the interests of religion, the said archbishop shall inquire into the circumstances of the case, and if on such inquiry it shall appear to him that such union may be usefully dissolved, so far as respects such benefice or benefices, he shall, six weeks at least before certifying such inquiry to her Majesty as herein-after directed, cause, with respect to his own diocese, a statement in writing of the facts, and in all other cases a copy in writing of the aforesaid representation, to be affixed on or near the principal outer door of the church, or in some public and conspicuous place in each of the benefices forming part of the united benefice, with notice to any person or persons interested, that he, she, or they may within such six weeks, show cause in writing, under his, her, or their hands, to the said archbishop against any such disunion; and if no sufficient cause be shown within such time, the archbishop shall certify the inquiry and consent, when the patron's consent is necessary, to her Majesty in council; and thereupon it shall be lawful for her Majesty to issue an order for separating such last-mentioned benefice or benefices from such united benefice, and for declaring the rights of patronage of the several patrons, if there be more than one patron; and such order

Provisions
for partly
disuniting
united
benefices.

shall be registered in the registry of the diocese to which such united benefice shall belong; which order the registrar of such diocese, immediately on the receipt thereof, is hereby required to register accordingly; and thereupon immediately, if such united benefice shall be then vacant, otherwise on the first avoidance thereof, such union shall be *ipso facto* dissolved so far only as regards such benefice or benefices so proposed to be separated from such united benefice, but in all other respects shall remain in full force and effect; and thenceforward such last-mentioned benefice or benefices shall be and be deemed and taken to be a separate and distinct benefice or benefices to all intents and purposes whatever as if no such union had taken place; and the patron or patrons thereof shall and may, according to the terms of such order, present or nominate thereto respectively, and so from time to time upon each and every avoidance of the same: Provided always, that no benefices which have been united for more than sixty years before the passing of this act, shall be disunited without the consent in writing of the patron or patrons thereof.

Incumbent may resign one or more of disunited benefices, and patron may present.

XXII. And be it enacted, that in any case in which her Majesty in council shall have issued any such order as aforesaid, for separating one or more benefices from such united benefice, it shall be lawful for the incumbent thereof, if such united benefice shall be full at the time of issuing such order, to resign the benefice or benefices so proposed to be separated as aforesaid from such united benefice; and thereupon it shall be lawful for the respective patron or patrons of such last-mentioned benefice or benefices, to present or nominate thereto, in the same manner as if such united benefice had been vacant at the time of issuing such order.

Portion of glebe, &c. may be assigned to each of the dissevered benefices;

XXIII. And be it enacted, that whenever two or more benefices which have at any time been united into one benefice, shall be disunited and become separate benefices under the provisions of this act, whether the order for disunion shall extend to the whole number of benefices of which such united benefice consisted, or to one or more of such benefices only, it shall be lawful for her Majesty in council, on the recommendation of the archbishop of the province, with the consent of the patron or patrons of such benefices respect-

ively (such consent to be signified in writing under the hands of such patron or patrons), to assign and attach such portion of the glebe lands, tithes, moduses, rent-charges, or other endowments or emoluments belonging to or arising or accruing within the limits of such united benefice to each of such benefices respectively, as to her Majesty in council shall seem fit, notwithstanding such proportion of glebe land, tithes, rent-charges, moduses, or other endowments or emoluments, or any part thereof, may not arise or accrue within the limits of the benefice to which the same shall be so assigned and attached as aforesaid, or may not have belonged thereto; and also to divide and apportion between such benefices all such charges and outgoings as before the disunion thereof were imposed upon the whole united benefice, and in the case of mortgages, with the consent of the mortgagees in writing under their hands and seals.

XXIV. And be it enacted, that all such lands, tithes, rent-charges, moduses, or other endowments or emoluments, when so assigned and attached as aforesaid, shall belong to, and the same, and the rents and profits thereof, shall be recoverable by the incumbent of the benefice, to which the same shall have been so assigned and attached.

XXV. And whereas by an act passed in this present session of parliament, intituled, 'An Act to amend the Law for providing fit Houses for the Beneficed Clergy,' provision is made in certain cases for selling the residence house and appurtenances belonging to any benefice, together with a certain portion of land contiguous thereto, and for applying the proceeds of such sale to the erection or purchase of some house, or the purchase of an orchard, garden, or land for the residence and occupation of the incumbent of such benefice: And whereas it may happen that in the case of benefices disunited under the provisions of this act, or divided or separately endowed under the provisions of two acts passed in the fifty-eighth year and in the fifty-ninth year of his Majesty King George the Third, for building and promoting the building of additional churches in populous parishes, and for amending and rendering more effectual the said act, the existing benefice house may be inconveniently situated for any one of such disunited parishes, or of the divisions of such

and shall belong to the incumbent.

More than one house may be provided in disunited benefices.

58 G. 3.
c. 45.
59 G. 3.
c. 134.

divided benefices, or may be on too large and expensive a scale to be conveniently maintained by the incumbent of any such disunited or divided benefice; be it enacted, that all the provisions of the said recited act of this present session relating to the sale of the house, gardens, orchards, appurtenances, or land attached to any benefice, and the application of the proceeds of such sale, shall be and be deemed applicable to the case of any benefice divided or separately endowed under the provisions of the said acts, or either of them, of his Majesty King George the Third, and of any benefice disunited under the provisions of this act; and that the proceeds of such sale may be applied and disposed of by the governors of the bounty of Queen Anne in and towards the erection or purchase of such and so many houses, or in and towards the purchase of so many gardens or appurtenances, or of so much land as shall be required for the residence of an incumbent, within each of the parishes so disunited, or each of the divisions of the benefices so divided, in such proportions within each such benefice respectively as shall be approved by the archbishop of the province, with the consent of the patron and ordinary, and (if the benefice be full) of the incumbent of the benefice, such consents to be signified in writing under their respective hands, and shall be confirmed by her Majesty in council.

Provisions for annexing isolated places to the contiguous parishes, or making them separate benefices.

XXVI. And whereas in some instances tithings, hamlets, chapelries, and other places or districts may be separated from the parishes or mother churches to which they belong with great advantage, and places altogether extra-parochial may in some instances with advantage be annexed to parishes or districts to which they are contiguous, or be constituted separate parishes for ecclesiastical purposes; be it enacted, that when, with respect to his own diocese, it shall appear to the archbishop of the province, or when the bishop of any diocese shall represent to the said archbishop that any such tithing, hamlet, chapelry, place, or district within the diocese of such archbishop, or the diocese of such bishop, as the case may be, may be advantageously separated from any parish or mother church, and either be constituted a separate benefice by itself or be united to any other parish to which it may be more conveniently annexed, or to any other adjoining tithing,

hamlet, chapelry, place, or district, parochial or extra-parochial, so as to form a separate parish or benefice, or that any extra-parochial place may with advantage be annexed to any parish to which it is contiguous, or be constituted a separate parish for ecclesiastical purposes; and the said archbishop or bishop shall draw up a scheme in writing (the scheme of such bishop to be transmitted to the said archbishop for his consideration), describing the mode in which it appears to him that the alteration may best be effected, and how the changes consequent on such alteration in respect to ecclesiastical jurisdiction, glebe lands, tithes, rent-charges, and other ecclesiastical dues, rates, and payments, and in respect to patronage and rights to pews, may be made with justice to all parties interested; and if the patron or patrons of the benefice or benefices to be affected by such alteration shall consent in writing under his or their hands to such scheme, or to such modification thereof as the said archbishop may approve, and the said archbishop shall, on full consideration and inquiry, be satisfied with any such scheme or modification thereof, and shall certify the same and such consent as aforesaid, by his report to her Majesty in council, it shall be lawful for her Majesty in council to make an order for carrying such scheme, or modification thereof, as the case may be, into effect; and such order, being registered in the registry of the diocese, which the registrar is hereby required to do, shall be forthwith binding on all persons whatsoever, including the incumbent or incumbents of the benefice or benefices to be affected thereby, if he or they shall have consented thereto in writing under his or their hands; but if such incumbent or incumbents shall not have so consented thereto the order shall not come into operation until the next avoidance of the benefice by the incumbent objecting to the alteration, or by the surviving incumbent objecting if more than one shall object thereto; and in such case the order shall forthwith, after such avoidance, become binding on all persons whatsoever.

XXVII. And whereas the changes effected by virtue of the provisions aforesaid for uniting or disuniting benefices, and for altering the contents of parishes, may, when the orders for those purposes respectively come into operation,

Power of
adjusting
disputes
arising out
of the

foregoing alterations.

raise doubts and create disputes not foreseen at the time when such orders may have been made respecting ecclesiastical jurisdiction, glebe lands, tithes, rent-charges, and other ecclesiastical dues, rates, and payments, patronage, right to pews, and the definition of local boundaries; be it enacted, that it shall be lawful for her Majesty in council, at any time within five years after such orders respectively shall come into full operation, if occasion shall arise, to make a supplemental order for removing such doubts and settling such disputes; and every such supplemental order shall have the same force and effect as if it had formed part of the original order made under the provisions of this act: provided always, that in every case in which the contents of parishes shall be so altered such alteration shall not in any way affect the secular rates, taxes, charges, duties, or privileges of such parishes, or of any part of them.

Spiritual persons not to take to farm for occupation above eighty acres, without consent of the bishop, and then not beyond seven years, under penalty of 40s. per acre.

XXVIII. And be it enacted, that it shall not be lawful for any spiritual person holding any cathedral preferment or benefice, or any curacy or lectureship, or who shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, to take to farm for occupation by himself, by lease, grant, words, or otherwise, for term of life or of years, or at will, any lands exceeding eighty acres in the whole, for the purpose of occupying or using or cultivating the same, without the permission in writing of the bishop of the diocese specially given for that purpose under his hand; and every such permission to any spiritual person to take to farm for the purpose aforesaid any greater quantity of land than eighty acres shall specify the number of years, not exceeding seven, for which such permission is given; and every such spiritual person who shall without such permission, so take to farm any greater quantity of land than eighty acres, shall forfeit for every acre of land above eighty acres so taken to farm, the sum of forty shillings for each year during or in which he shall so occupy, use, or cultivate such land contrary to the provision aforesaid.

No spiritual person, beneficed or performing eccle-

XXIX. And be it enacted, that it shall not be lawful for any spiritual person holding any such cathedral preferment, benefice, curacy, or lectureship, or who shall be licensed or allowed to perform such duties as aforesaid, by himself or by any other for him or to his use, to engage in or carry on any

trade or dealing for gain or profit, or to deal in any goods, wares, or merchandize, unless in any case in which such trading or dealing shall have been or shall be carried on by or on behalf of any number of partners exceeding the number of six, or in any case in which any trade or dealing, or any share in any trade or dealing, shall have devolved or shall devolve upon any spiritual person, or upon any other person for him or to his use, under or by virtue of any devise, bequest, inheritance, intestacy, settlement, marriage, bankruptcy, or insolvency; but in none of the foregoing excepted cases shall it be lawful for such spiritual person to act as a director or managing partner, or to carry on such trade or dealing as aforesaid in person.

XXX. Provided always, and be it enacted, that nothing herein-before contained shall subject to any penalty or forfeiture any spiritual person for keeping a school or seminary, or acting as a schoolmaster or tutor or instructor, or being in any manner concerned or engaged in giving instruction or education for profit or reward, or for buying or selling or doing any other thing in relation to the management of any such school, seminary, or employment, or to any spiritual person whatever for the buying of any goods, wares, or merchandizes, or articles of any description, which shall without fraud be bought with intent, at the buying thereof, to be used by the spiritual person buying the same, for his family or in his household, and after the buying of any such goods, wares, or merchandizes, or articles, selling the same again or any parts thereof which such person may not want or choose to keep, although the same shall be sold at an advanced price beyond that which may have been given for the same; or for disposing of any books or other works to or by means of any bookseller or publisher; or for being a manager, director, partner, or shareholder in any benefit society, or fire or life assurance society, by whatever name or designation such society may have been constituted; or for any buying, or selling again for gain or profit, of any cattle or corn or other articles necessary or convenient to be bought, sold, kept, or maintained by any spiritual person, or any other person for him or to his use, for the occupation, manuring, improving, pasturage, or profit of any glebe,

siastical duty, shall engage in trade, or buy to sell again for profit or gain.

Not to extend to spiritual persons engaged in keeping schools, or as tutors, &c. in respect of any thing done, or any buying or selling in such employment; or to selling any thing bonâ fide bought for the use of the family, or to being a manager, &c. in any benefit or life or fire assurance society; or buying and selling cattle, &c. for the use of his own lands, &c.

demesne lands, or other lands or hereditaments which may be lawfully held and occupied, possessed, or enjoyed by such spiritual person, or any other for him or to his use; or for selling any minerals the produce of mines situated on his own lands; so nevertheless that no such spiritual person shall buy or sell any cattle or corn or other articles as aforesaid in person in any market, fair, or place of public sale.

Spiritual persons illegally trading may be suspended, and for the third offence deprived.

XXXI. And be it enacted, that if any spiritual person shall trade or deal in any manner contrary to the provisions of this act, it shall be lawful for the bishop of the diocese where such person shall hold any cathedral preferment, benefice, curacy, or lectureship, or shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, to cause such person to be cited before his chancellor or other competent judge, and it shall be lawful for such chancellor or other judge, on proof in due course of law of such trading, to suspend such spiritual person for his first offence, for such time not exceeding one year, as to such judge shall seem fit; and on proof in like manner before such or any other competent ecclesiastical judge of a second offence committed by such spiritual person subsequent to such sentence of suspension, such spiritual person shall, for such second offence, be suspended for such time as to the judge shall seem fit; and for his third offence be deprived *ab officio et beneficio*, and thereupon it shall be lawful for the patron or patrons of any such cathedral preferment, benefice, lectureship, or office to make donation or to present or nominate to the same as if the person so deprived were actually dead; and in all such cases of suspension, the bishop during such suspension, shall sequester the profits of any cathedral preferment, benefice, lectureship, or office of which such spiritual person may be in possession, and by an order under his hand direct the application of the profits of the same respectively, after deducting the necessary expences of providing for the due performance of the duties of the same respectively, towards the same purposes and in the same order, as near as the difference of circumstances will admit, as are herein-after directed with respect to the profits of a benefice sequestered in case of a non-compliance after monition with an order requiring a spiritual person to proceed and reside on his benefice, save that no part of such profits shall be paid to the

spiritual person so suspended nor applied in satisfaction of a sequestration at the suit of a creditor; and in case of deprivation, the bishop shall forthwith give notice thereof in writing under his hand to the patron or patrons of any cathedral preferment, benefice, lectureship, or office which the said spiritual person may have holden, in the manner herein-after required with respect to notice to the patron of a benefice continuing under sequestration for one whole year, and thereby becoming void, and any such cathedral preferment or benefice shall lapse at such period after the said notice, as any such last-mentioned benefice would, under the provisions of this act, lapse: provided always, that no contract shall be deemed to be void by reason only of the same having been entered into by a spiritual person trading or dealing, either solely or jointly with any other person or persons, contrary to the provisions of this act, but every such contract may be enforced by or against such spiritual person, either solely or jointly with any other person or persons, as the case may be, in the same way as if no spiritual person had been party to such contract.

XXXII. And be it enacted, that every spiritual person holding any benefice shall keep residence on his benefice, and in the house of residence (if any) belonging thereto; and if any such person shall, without any such licence or exemption as is in this act allowed for that purpose, or unless he shall be resident at some other benefice of which he may be possessed, absent himself from such benefice, or from such house of residence, if any, for any period exceeding the space of three months together, or to be accounted at several times in any one year, he shall, when such absence shall exceed three months and not exceed six months, forfeit one third part of the annual value of the benefice from which he shall so absent himself; and when such absence shall exceed six months and not exceed eight months, one half part of such annual value; and when such absence shall exceed eight months, two third parts of such annual value; and when such absence shall have been for the whole of the year, three fourth parts of such annual value.

XXXIII. And be it enacted, that it shall be lawful for any bishop, upon application in writing by any spiritual

Penalties for non-residence, on incumbent not having a licence or exemption, unless he be resident on another benefice.

Licence to reside out

of the usual house, if unfit. person holding any benefice within his diocese, whereon there shall be no house or no fit house of residence, by licence under his hand and seal, to be registered in the registry of the diocese, which the registrar is hereby required to do, to permit such person to reside in some fit and convenient house, although not belonging to such benefice, such house to be particularly described and specified in such licence, and for a certain time to be therein also specified, not exceeding the period by this act limited, and from time to time, as such bishop may think fit, to renew such licence; and every such house shall be a legal house of residence for such specified time to all intents and purposes: provided always, that no such licence shall be granted to such spiritual person to reside in any house unless it be within three miles of the church or chapel of such benefice, nor in case such church or chapel be in any city, or market or borough town, unless such house be within two miles of such church or chapel.

Houses purchased by governors of Queen Anne's bounty to be deemed residences. XXXIV. And whereas the governors of the bounty of Queen Anne have purchased, built, or procured, and may hereafter purchase, build, or procure, by way of benefaction or donation to poor benefices, houses not situate within the parishes or places wherein such benefices lie, but so near thereto as to be sufficiently convenient and suitable for the residence of the officiating ministers thereof; be it therefore enacted, that such houses, having been previously approved by the bishop of the diocese, by writing under his hand and seal duly registered in the registry of the diocese, shall be deemed the houses of residence belonging to such benefices to all intents and purposes whatsoever.

Vicar or perpetual curate may reside in rectory house. XXXV. And be it enacted, that in all cases of rectories having vicarages endowed, or perpetual curacies, the residence of the vicar or perpetual curate in the rectory house of such benefice, shall be deemed a legal residence to all intents and purposes whatever; provided that the house belonging to the vicarage or perpetual curacy be kept in proper repair, to the satisfaction of the bishop of the diocese.

Widow of any spiritual person XXXVI. And be it enacted, that from and after the decease of any spiritual person holding any benefice to which a house of residence is annexed, and in which he shall have

been residing at the time of his decease, it shall be lawful for the widow of such spiritual person to occupy such house for any period not exceeding two calendar months after the decease of such spiritual person, holding and enjoying therewith the curtilage and garden belonging to such house.

XXXVII. And be it enacted, that no spiritual person, being head ruler of any college or hall within either of the Universities of Oxford or Cambridge, or being warden of the University of Durham, or being head master of Eton, Winchester, or Westminster school, or principal or any professor of the East India college, having been appointed such principal or professor before the time of the passing of this act, and not having respectively more than one benefice with cure of souls, shall be liable to any of the penalties or forfeitures in this act contained for or on account of non-residence on any benefice.

XXXVIII. And be it enacted, that no spiritual person being dean of any cathedral or collegiate church, during such time as he shall reside upon his deanery, and no spiritual person having or holding any professorship or any public readership in either of the said universities, while actually resident within the precincts of the university, and reading lectures therein, (provided always, that a certificate under the hand of the vice chancellor or warden of the university, stating the fact of such residence, and of the due performance of such duties, shall in every such case be transmitted to the bishop of the diocese wherein the benefice held by such spiritual person is situate, within six weeks after the thirty-first day of December in each year;) and no spiritual person serving as chaplain of the Queen's or King's most excellent majesty, or of the Queen Dowager, or of any of the Queen's or King's children, brethren, or sisters, during so long as he shall actually attend in the discharge of his duty as such chaplain in the household to which he shall belong; and no chaplain of any archbishop or bishop, whilst actually attending in the discharge of his duty as such chaplain; and no spiritual person actually serving as chaplain of the House of Commons, or as clerk of the Queen's or King's closet, or as a deputy clerk thereof, while any such person shall be actually attending and performing the func-

may continue in the house of residence for two months after his decease.

Certain persons exempt from penalties for non-residence.

Privileges for temporary non-residence.

tions of his office ; and no spiritual person serving as chancellor or vicar general or commissary of any diocese, whilst exercising the duties of his office ; or as archdeacon, while upon his visitation, or otherwise engaged in the exercise of his archidiaconal functions ; or as dean or subdean, or priest or reader, in any of the Queen's or King's royal chapels at Saint James's or Whitehall, or as reader in the Queen's or King's private chapels at Windsor or elsewhere, or as preacher in any of the inns of court, or at the rolls, whilst actually performing the duty of any such office respectively ; and no spiritual person, being provost of Eton college, or warden of Winchester college, or master of the charter house, or principal of Saint David's college, or principal of King's college, London, during the time for which he may be required to reside and shall actually reside therein respectively, shall be liable to any of the penalties or forfeitures in this act contained for or on account of non-residence on any benefice for the time in any year during which he shall be so as aforesaid resident, engaged, or performing duties, as the case may be, but every such spiritual person shall, with respect to residence on a benefice under this act, be entitled to account the time in any year during which he shall be so as aforesaid resident, engaged, or performing duties, as the case may be, as if he had legally resided during the same time on some other benefice ; any thing in this act contained to the contrary notwithstanding.

Perform-
ance of
cathedral
duties, &c.
may be
accounted
as re-
sidence,
under
certain
 restric-
tions.

XXXIX. And be it enacted, that it shall be lawful for any spiritual person, being prebendary, canon, priest vicar, vicar choral, or minor canon in any cathedral or collegiate church, or being a fellow of one of the said colleges of Eton or Winchester, who shall reside and perform the duties of such office during the period for which he shall be required to reside and perform such duties by the charter or statutes of such cathedral or collegiate church or college, as the case may be, to account such residence as if he had resided on some benefice : provided always, that nothing herein contained shall be construed to permit or allow any such prebendary, canon, priest vicar, vicar choral, minor canon, or fellow, to be absent from any benefice, on account of such residence and performance of duty, for more than five months altogether in

any one year, including the time of such residence on his prebend, canonry, vicarage, or fellowship: provided also, that it shall be lawful for any spiritual person having or holding any such office in any cathedral or collegiate church or college, in which the year for the purposes of residence is accounted to commence at any other period than the first of January, and who may keep the periods of residence required for two successive years at such cathedral or collegiate church or college, in whole or in part, between the first of January and the thirty-first of December in any one year, to account such residence, although exceeding five months in the year, as reckoned from the first of January to the thirty-first of December, as if he had resided on some benefice, any thing in this act contained to the contrary notwithstanding.

XL. Provided always, that every spiritual person being in possession of any benefice at the time of the passing of this act, and entitled by the law previously in force to exemption from residence, or to apply for a licence for non-residence, shall, as to every such benefice, but not as to any after-taken benefice, be entitled to the same exemption from residence, and to the same capacity of applying for and obtaining a licence for non-residence, and to the same right of appeal, in case of refusal or revocation of a licence, to which he was entitled before the time of the passing of this act; and every bishop and other person empowered before the passing of this act, to grant such licence to such spiritual person, shall have the like power after the passing thereof, any thing herein-before contained to the contrary notwithstanding.

XLI. Provided also, and be it enacted, that every spiritual person having any house of residence upon his benefice, who shall not reside therein, shall, during such period or periods of non-residence, whether the same shall be for the whole or part of any year, keep such house of residence in good and sufficient repair; and in every such case it shall be lawful for the bishop to cause a survey of such house of residence to be made by some competent person, the costs of which, in case the house shall be found to be out of repair, shall be borne by such spiritual person; and if the surveyor shall report that such house of residence is out of repair, it shall be lawful for the bishop to issue his monition to the in-

Existing rights as to exemptions and licences preserved.

If house of residence not kept in repair, the incumbent to be liable to the penalties for non-residence.

cumbent to put the same in repair, according to such survey and report, a copy of which shall be annexed to the monition; and every such non-resident spiritual person who shall not keep such house of residence in repair, and who shall not, upon such monition, and within one month after service of such monition, show cause to the contrary to the satisfaction of the bishop, or put such house in repair within the space of ten months, to the satisfaction of such bishop, shall be liable to all the penalties for non-residence imposed by this act during the period of such house of residence remaining out of repair, and until the same shall have been put in repair.

Every petition for licence for non-residence to be in writing, and to state certain particulars.

XLII. And be it enacted, that every spiritual person applying for a licence for non-residence, shall present to the bishop a petition signed by himself or by some person approved by the bishop in that behalf, and shall state therein whether such spiritual person intends to perform the duty of his benefice in person, and in that case, where and at what distance from the church or chapel of such benefice he intends to reside; and if he intends to employ a curate, such petition shall state what salary he proposes to give to such curate, and whether the curate proposes to reside, or not to reside in the parish in which such benefice is situate; and if the curate intends to reside therein, then whether in the house of residence belonging to such benefice, or in some and what other house; and if he does not intend to reside in the parish, then such petition shall state at what distance therefrom, and at what place, such curate intends to reside, and whether such curate serves any other and what parish, as incumbent or curate, or has any and what cathedral preferment, and any and what benefice, or officiates in any other and what church or chapel; and such petition shall also state the annual value and the population of the benefice in respect of which any licence for non-residence shall be applied for, and the number of churches or chapels, if more than one, upon such benefice, and the date of the admission of such spiritual person to the said benefice; and it shall not be lawful for the bishop to grant any such licence unless such petition shall contain a statement of the several particulars aforesaid; and every such petition shall be filed in the registry of the diocese by the registrar thereof, and shall

be open to inspection, and copies thereof made, with the leave in writing of the bishop.

XLIII. And be it enacted, that it shall be lawful for the bishop, upon such petition being presented to him, and upon such proofs being adduced as to any facts stated in any such petition, as he may think necessary and shall require, to grant, in such cases as are hereinafter enumerated, in which he shall think fit to grant the same, a licence in writing under his hand, for such spiritual person to reside out of the proper house of residence of his benefice, or out of the limits of his benefice, or out of the limits prescribed by this act, for the purpose of exempting such person from any pecuniary penalty in respect of any non-residence thereon; which licence shall express the cause of granting the same licence (that is to say,) to any spiritual person who shall be prevented from residing in the proper house of residence or within the limits of such benefice, or within the limits prescribed by this act, by any incapacity of mind or body; and also for a period not exceeding six months, to any spiritual person on account of the dangerous illness of his wife or child making part of his family, and residing with him as such; but that no such licence on account of the illness of a wife or child shall be renewed save with allowance of the archbishop of the province, previously signified under his hand, in pursuance of a recommendation in writing from the bishop, setting forth the circumstances, proofs, and reasons which induce him to make such recommendation; and also to any spiritual person having or holding any benefice wherein there shall be no house of residence, or where the house of residence shall be unfit for the residence of such spiritual person, such unfitness not being occasioned by any negligence, default, or other misconduct of such spiritual person, and such spiritual person keeping such house of residence, if any, and the buildings belonging thereto, in good and sufficient repair and condition to the satisfaction of the bishop, and a certificate under the hand of two neighbouring incumbents, countersigned by the rural dean, if any, that no house convenient for the residence of such spiritual person can be obtained within the parish, or within the limits prescribed by this act, being first produced to the bishop; and

Bishop
may grant
licences for
non-resi-
dence in
certain
enumerated
cases.

Appeal to
archbishop
in case of
refusal.

In cases
not enu-
merated
bishops
may grant
licences to
reside out
of limits of
benefice,
subject to
allowance
by the
archbishop.

By whom
licences
may be
granted
while a see
is vacant,
&c.

also to grant to any spiritual person holding any benefice, and occupying in the same parish any mansion or messuage whereof he shall be the owner, a licence to reside in such mansion or messuage, such spiritual person keeping the house of residence and other buildings belonging thereto in good and sufficient repair and condition, and producing to the bishop proof to his satisfaction, at the time of granting every such licence, of such good and sufficient repair and condition: provided always, that any such spiritual person, within one month after refusal of any such licence, may appeal to the archbishop of the province, who shall confirm such refusal, or direct the bishop to grant a licence under this act, as shall seem to the said archbishop just and proper.

XLIV. And be it enacted, that it shall be lawful for any bishop, in any case not herein-before enumerated, in which such bishop shall think it expedient, to grant to any spiritual person holding any benefice within his diocese, a licence to reside out of the limits of such benefice: provided always, that in every such case, the nature and special circumstances thereof, and the reasons that have induced such bishop to grant such licence, shall be forthwith transmitted to the archbishop of the province, who shall forthwith proceed therein as herein-after provided in cases of appeal, and shall allow or disallow such licence in the whole or in part, or make any alteration therein, as to the period for which the same may have been granted or otherwise; and no such licence shall be valid unless it shall have been so allowed by such archbishop, such allowance thereof being signified by the signing thereof by such archbishop: provided also, that it shall not be necessary in such licence to specify the cause of granting the same.

XLV. And be it enacted, that during the vacancy of any see, the power of granting licences of non-residence under this act, subject to the regulations herein contained, shall be exercised by the guardian of the spiritualities of the diocese; or in case the bishop of any diocese shall be disabled from exercising in person the functions of his office, such power shall be exercised by the person or persons lawfully empowered to exercise his general jurisdiction in the diocese: provided always, that no licence granted by any other than

the bishop shall be valid, until the archbishop of the province shall have signified his approbation of the grant of such licence by signing the same.

XLVI. And be it enacted, that no licence for non-residence granted under this act or under the said herein-before second recited act, shall continue in force after the thirty-first day of December in the year next after the year in which such licence shall have been or shall be granted.

XLVII. And be it enacted, that every person obtaining any licence of non-residence, shall pay for the same to the secretary or officer of the bishop, or other person granting the same, the sum of ten shillings, over and above the stamp duty chargeable thereon, and no more, and also the sum of three shillings, and no more, to the registrar of the diocese, and shall also pay the sum of five shillings to the secretary of the archbishop when any such licence shall have been signed by such archbishop.

XLVIII. And be it enacted, that no licence of non-residence shall become void by the death or removal of the bishop granting the same, but the same shall be and remain valid, notwithstanding any such death or removal, unless the same shall be revoked as herein-after mentioned.

XLIX. And be it enacted, that it shall be lawful for any archbishop or bishop who shall have granted any licence of non-residence as aforesaid, or for any successor of any such archbishop or bishop, after having given such incumbent sufficient opportunity of showing reason to the contrary, in any case in which there may appear to such archbishop or bishop good cause for revoking the same, by an instrument in writing under his hand, to revoke any such licence: provided always, that any such incumbent may, within one month after service upon him of such revocation, if by a bishop, appeal to the archbishop of the province, who shall confirm or annul such revocation, as to him shall appear just and proper.

L. And be it enacted, that every bishop who shall grant or revoke any licence of non-residence under this act shall, and he is hereby required, within one month after the grant or revocation of such licence, to cause a copy of every such licence or revocation to be filed in the registry of his diocese ;

Duration
of licences.

Fee for
licence.

Licences
not to be
void by the
death or
removal of
the grantor.

Licences
may be re-
voked.

Copies of
licences or
revocations
to be filed
in the
registry of
the diocese,

and a list kept for inspection; and copies transmitted to churchwardens, and publicly read at the first visitation.

and an alphabetical list of such licences and revocations shall be made out by the registrar of such diocese, and entered in a book, and kept for the inspection of all persons, upon payment of three shillings, and no more; and a copy of every such licence, and a statement in writing of the grounds of exemption, shall be transmitted by the spiritual person to whom such licence shall have been granted, or who may be exempted from residence, to the churchwardens or chapelwardens of the parish or place to which the same relates, within one month after the grant of such licence, or of his taking advantage of such exemption, as the case may be; and every bishop revoking any such licence shall cause a copy of such revocation to be transmitted, within one month after the revocation thereof, to the churchwardens or chapelwardens of the parish or place to which it relates; which copies of licences and revocation, and statements of exemption, shall be by such churchwardens or chapelwardens deposited in the parish chest, and shall likewise be produced by them, and publicly read by the registrar or other officer, at the visitation of the ecclesiastical district within which such benefice shall be locally situate next succeeding the receipt thereof; and every spiritual person who shall neglect so to transmit a copy of such licence or statement of exemption, as hereby required, shall lose all benefit of such licence, and until he shall have transmitted such statement, shall not be entitled to the benefit of such exemption: provided always, that in case the archbishop of the province shall, on appeal to him, annul the revocation of any such licence, the bishop by whom such revocation shall have been made shall, immediately on receiving notice from the archbishop that he has annulled the same, order, by writing under his hand, that the copies of such revocation shall be forthwith withdrawn from the said registry and parish chest, and that the same shall not be produced and read at the visitation, and that such revocation shall be erased from the list of revocations in the said registry; which order shall be binding on the registrar and churchwardens respectively to whom the same shall be addressed.

List of licences allowed by

LI. And be it enacted, that every archbishop who shall in his own diocese grant any licence of non-residence, or who

shall approve and allow, in manner directed by this act, any such licence in any case not enumerated in this act, or any renewal of a licence in the case of the dangerous illness of the wife or child of any spiritual person, shall annually in the month of January in each year transmit to her Majesty in council a list of all licences or renewals so granted or allowed by such archbishop respectively in the year ending on the last day of December preceding such month of January, and shall in every such list specify the reasons which have induced him to grant or allow each such licence or renewal, together with the reasons transmitted to him by the bishops for granting or recommending each such licence in their respective dioceses; and it shall be lawful for her Majesty in council, by an order made for that purpose, to revoke and annul any such licence; and if her Majesty in council shall think fit so to do, such order shall be transmitted to the archbishop who shall have granted or approved and allowed such licence or renewal, who shall thereupon cause a copy of every such order to be transmitted to the bishop of the diocese in which such licence shall have been granted; and such bishop shall cause a copy of the mandatory part of the order to be filed in the registry of such diocese, and a like copy to be delivered to the churchwardens or chapelwardens of the parish or place to which the same relates, in manner herein-before directed as to revocation of licences; and every such archbishop shall cause a copy of the mandatory part of every such order made in relation to any such licence granted by him in his own diocese to be in like manner filed in the registry of his diocese, and a like copy also to be delivered to the churchwardens or chapelwardens of the parish or place to which such licence shall relate in manner before mentioned: Provided always, that after such licence shall have been so revoked by her Majesty in council the same shall nevertheless, in all questions that shall have arisen or may thereafter arise touching the non-residence of the spiritual person to whom the same shall have been granted, between the time at which the same was granted or approved and allowed and the time of the revocation thereof being so filed in the registry, be deemed and taken to have been valid.

the arch-
bishop, or
granted in
his own
diocese, to
be annually
transmitted
to her
Majesty in
council,
who may
revoke
licences,
&c.

Licence,
although
revoked, to
be deemed
valid
between
the grant
and revo-
cation.

Incumbents to answer questions transmitted to them by bishop.

LII. And be it enacted, that it shall be lawful for each bishop and he is hereby required to transmit, some time in the month of January in each year, to every spiritual person holding any benefice within his diocese or jurisdiction, the questions contained in the first schedule to this act, for the purpose of better enabling the several bishops to make the returns herein-after mentioned; and every spiritual person to whom such questions shall be so transmitted shall, within three weeks from the day on which the same shall be delivered to him, or to the officiating minister of the benefice for the time being, make and transmit to the bishop full and specific answers thereto, such answers being signed by such spiritual person.

Annual return to be made to her Majesty in council of residents and non-residents, &c.

LIII. And be it enacted, that on or before the twenty-fifth day of March in every year a return shall be made to her Majesty in council by every bishop of the name of every benefice within his diocese or jurisdiction, and the names of the several spiritual persons holding the same respectively who shall have resided thereon; and also the names of the several spiritual persons who, by reason of any exemption under or by virtue of this act, or by reason of any licence granted by such bishop, shall not have resided on their respective benefices; and also the names of all spiritual persons, not having any such exemption or licence, who shall not have resided on their respective benefices, so far as the bishop is informed thereof; and also the substance of the answers received in all cases to the questions so transmitted as aforesaid.

Residence may be enforced by monition, or the living sequestered.

LIV. And be it enacted, that in every case in which it shall appear to the bishop that any spiritual person holding any benefice within his diocese, and not having a licence to reside elsewhere than in the house of residence belonging thereto, nor having any legal cause of exemption from residence, does not sufficiently, according to the true meaning and intent of this act, reside on such benefice, it shall be lawful for such bishop, instead of proceeding for penalties under this act, or for penalties incurred before the passing of this act, under the act of the fifty-seventh year of his majesty King George the Third, or after proceeding for the same, to issue or cause to be issued a monition to such

spiritual person, requiring him forthwith to proceed to and to reside on such benefice, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof; provided that in every such case there shall be thirty days between the time of serving such monition on such spiritual person, in the manner herein-after directed, and the time specified in such monition for the return thereto; and the spiritual person on whom any such monition shall be served shall, within the time specified for that purpose, make a return thereto into the registry of the diocese, to be there filed; and it shall be lawful for the bishop to whom any such return shall be made, to require such return or any fact contained therein to be verified by evidence; and in every case where no such return shall be made, or where such return shall not state such reasons for the non-residence of such spiritual person as shall be deemed satisfactory by the bishop, or where such return, or any of the facts contained therein, shall not be so verified as aforesaid, when such verification shall have been required, it shall be lawful for the bishop to issue an order in writing under his hand and seal, requiring such spiritual person to proceed and reside as aforesaid within thirty days after such order shall have been served upon him, in like manner as is herein-after directed with respect to the service of monitions; and in case of non-compliance with such order it shall be lawful for the bishop to sequester the profits of such benefice until such order shall be complied with, or such sufficient reasons for non-compliance therewith shall be stated and proved as aforesaid, and to direct, by any order to be made for that purpose under his hand, and filed as aforesaid, the application of such profits, after deducting the necessary expences of serving the cure, either in the whole or in such proportions as he shall think fit, in the first place to the payment of the penalties proceeded for, if any, and of such reasonable expences as shall have been incurred in relation to such monition and sequestration, and in the next place towards the repair or sustentation of the chancel, house of residence of such benefice, or of any of the buildings and appurtenances thereof, and of the glebe and demesne lands, and in the next place, where such benefice shall be likewise

under sequestration at the suit of any creditor, then towards the satisfaction of such last mentioned sequestration; and after the satisfaction thereof, then and in the next place towards the augmentation or improvement of any such benefice, or the house of residence thereof, or any of the buildings and appurtenances thereof, or towards the improvement of any of the glebe or demesne lands thereof, or to order and direct the same or any portion thereof to be paid to the treasurer of the governors of the bounty of Queen Anne, for the purposes of the said bounty, as such bishop shall, in his discretion, under all circumstances, think fit and expedient; and it shall also be lawful for the bishop, within six months after such order for sequestration, or within six months after any money shall have been actually levied by such sequestration, to remit to such spiritual person any proportion of such sequestered profits, or to cause the same or any part thereof, whether the same remain in the hands of the sequestrator or shall have been paid to the said treasurer, to be paid to such spiritual person; and every such sequestrator, at the suit of the bishop, is hereby required, upon receiving an order under the hand of such bishop, forthwith to obey the same; and the said treasurer is hereby authorised and required, upon receiving a like order from such bishop, to make such payment out of any money in his hands: Provided always, that any such spiritual person may, within one month after service upon him of the order for any such sequestration, appeal to the archbishop of the province, who shall make such order relating thereto, or to the profits that shall have been so sequestered as aforesaid, for the return of the same or any part thereof to such spiritual person, or to such sequestrator at the suit of any creditor, (as the case may be,) or otherwise as may appear to such archbishop to be just and proper; but nevertheless such sequestration shall be in force during such appeal.

Appeal
against se-
questration
to the arch-
bishop.

Incum-
bents
returning
to residence
on moni-
tion to pay
the costs.

LV. And be it enacted, that every spiritual person to whom any such monition or order in writing shall be issued as aforesaid, who shall be at the time of the issuing thereof absent from his benefice, contrary to the provisions of this act, but who shall forthwith obey such monition or order, and the profits of whose benefice shall by reason of such obedience

not be sequestered, shall nevertheless pay all costs, charges, and expences incurred by reason of the issuing and serving such monition or order, and that the proceedings thereon shall not be stayed until such payment shall be made.

LVI. And for effectually enforcing *bond fide* residence according to the intent of such monition and order, be it enacted, that if any spiritual person, not having a licence to reside out of the limits of his benefice, nor having other lawful cause of absence from the same, who after any such monition or order as aforesaid requiring him to reside, and before or after any such sequestration as aforesaid, shall in obedience to any such monition or order have begun to reside upon his benefice, shall afterwards, and before the expiration of twelve months next after the commencement of such residence, wilfully absent himself from such benefice for the space of one month together, or to be accounted at several times, it shall be lawful for the bishop, without issuing any other monition or making any order, to sequester and apply the profits of such benefice as before directed by this act, for the purpose of enforcing the residence of such spiritual person, according to the true intent of the original monition issued by the bishop as aforesaid; and it shall be lawful for the bishop so to proceed in like cases from time to time as often as occasion may require; provided that in each such case such spiritual person may, within one month after the service upon him of the order for any such sequestration, appeal to the archbishop of the province, who shall make such order relating thereto, or to the profits sequestered, or to any part thereof, as to him may seem just and proper, but nevertheless such sequestration shall be in force during such appeal.

Incumbent returning to residence on monition, but again absents himself within 12 months, bishop may, without further monition, sequester.

LVII. And be it enacted, that in every case in which any archbishop or bishop shall think proper, after proceeding by monition for the recovery of any penalty under this act for non-residence of more than one third part of the yearly value of any benefice for any non-residence exceeding six months in the year, to remit the whole or any part of any such penalty, such archbishop shall forthwith transmit to her Majesty in council, and such bishop shall forthwith transmit to the archbishop of the province to which he belongs, a statement

Reasons for remitting penalties for non-residence of a certain amount to be transmitted to the Queen in council.

of the nature and special circumstances of each case, and the reasons for the remission of any such penalty; and it shall thereupon be lawful for her Majesty in council, or for the archbishop, (as the case may be,) to allow or disallow such remission in whole or in part, in the same manner as is provided in this act with relation to the allowance or disallowance of licences of non-residence granted in cases not herein-before expressly enumerated: Provided always, that the decision of the archbishop with respect to cases transmitted to him from a bishop shall be final.

Benefice continuing so sequestrated one year, or being twice so sequestrated within two years, to become void.

LVIII. And be it enacted, that if the benefice of any spiritual person shall continue for the space of one whole year under sequestration issued under the provisions of this act for disobedience to the bishop's monition or order requiring such spiritual person to reside on his benefice, or if such spiritual person shall, under the provisions of this act, incur two such sequestrations in the space of two years, and shall not be relieved with respect to either of such sequestrations upon appeal, such benefice shall thereupon become void; and it shall be lawful for the patron of such benefice to make donation or to present or nominate to the same as if such spiritual person were dead; and the bishop, on such benefice so becoming void, shall give notice in writing under his hand to such patron, which notice shall either be delivered to such patron or left at his usual place of abode, or if such patron or place of abode shall be unknown, or shall be out of England, such notice shall be twice inserted in the London Gazette, and also twice in some newspaper printed and usually circulated in London, and in some other newspaper usually circulated in the neighbourhood of the place where such benefice is situate; and for the purposes of lapse, the avoidance of the benefice shall be reckoned from the day on which such notice shall have been delivered as aforesaid, or from the day on which six months shall have expired after the second publication of such notice in the London Gazette, (as the case may be); and every such notice in the Gazette and newspapers shall state that the patron or the place of abode of the patron is unknown, or that he is said to be out of England, (as the case may be,) and that the benefice will lapse, at the furthest, after the expiration of one year from

the second publication thereof as aforesaid; and upon any such avoidance it shall not be lawful for the patron to appoint by donation or present or nominate to such benefice so avoided, the person by reason of whose non-residence the same was so avoided.

LIX. And be it enacted, that any agreement made for the letting of the house of residence, or the buildings, gardens, orchards, or appurtenances necessary for the convenient occupation of the same, belonging to any benefice, to which house of residence any spiritual person may be required, by order of the bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a residence to any curate by the bishop, shall be made in writing, and shall contain a condition for avoiding the same, upon a copy of such order, assignment, or appointment being served upon the occupier thereof, or left at the house, and otherwise shall be null and void; and a copy of every such order, assignment, or appointment shall, immediately on the issuing thereof, be transmitted to one of the churchwardens of the parish, or such other person as the bishop shall think fit, and be by him forthwith served on the occupier of such house of residence, or left at the same; and any person continuing to hold any such house of residence, or any such building, garden, orchard, or appurtenances, after the day on which such spiritual person shall be directed by such order to reside in such house of residence, or which shall be specified in any such order, assignment, or appointment, and after such copy shall be so served or left as aforesaid, shall forfeit the sum of forty shillings for every day he shall, without the permission of the bishop in writing under his hand for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard, or appurtenances, together with the expence of serving or leaving such order, assignment, or appointment, to be allowed by the bishop issuing the order or making such assignment or appointment; and it shall also be lawful for the spiritual person so directed to reside, or the curate to whom any such residence is assigned, to apply to any justice of the peace having jurisdiction in the place, for a warrant for the taking possession thereof; and the justice to whom any such order for such

Contracts for letting houses in which any spiritual persons required by bishop to reside to be void.

Penalty for holding adverse possession 40s. for every day.

possession is produced shall and he is hereby required, upon its being duly verified, to grant a warrant to some peace officer to deliver such possession, and possession may thereupon be taken of such house under such warrant at any time in the daytime, by entering the same by force, if necessary, without any other proceeding by ejection or otherwise, any law or statute to the contrary notwithstanding; provided that any person who shall have been in possession of any such house of residence or premises under a verbal agreement only, or under any agreement in which the condition aforesaid for avoiding the same shall not be inserted, and who shall be turned out of possession by virtue of this act, shall be entitled to sue the person with whom he or she had entered into such agreement for damages occasioned by his or her being so turned out of possession, to be recovered in any of her Majesty's superior courts at Westminster.

Incumbent not liable to penalty for non-residence while the tenant occupies. Vicar's oath relating to residence abolished.

LX. Provided always, and be it enacted, that no spiritual person shall be liable to any penalty for not residing in any such house of residence during such time as such tenant shall continue to occupy such house of residence or other building or appurtenances necessary to the occupation of the same.

LXI. And be it enacted, that no oath shall be required of or taken by any vicar in relation to residence on his vicarage; any law, custom, constitution, or usage to the contrary notwithstanding.

On avoidance of benefice not having fit house of residence, bishop to raise money to build one by mortgage of glebe, &c. for 35 years.

LXII. And be it enacted, that upon or at any time after the avoidance of any benefice it shall be lawful for the bishop and he is hereby required to issue a commission to four beneficed clergymen of his diocese, or if the benefice be within his peculiar jurisdiction, but locally situate in another diocese, then to four beneficed clergymen of such last-mentioned diocese, one of whom shall be the rural dean (if any) of the rural deanery or district wherein such benefice shall be situate, directing them to inquire whether there is a fit house of residence within such benefice, and what are the annual profits of such benefice, and if the clear annual profits of such benefice exceed one hundred pounds, whether a fit house of residence can be conveniently provided on the glebe of such benefice, or otherwise; and if the said commissioners, or any three of them, shall report in writing under their

hands to the said bishop that there is no fit house of residence within such benefice, and that the clear annual profits of such benefice exceed one hundred pounds, and that a fit house of residence can be conveniently provided on the glebe of such benefice, or on any land which can be conveniently procured for the site of such house of residence, it shall be lawful for the said bishop, and he is hereby required, to procure from some skilful and experienced workman or surveyor, a certificate containing a statement of the condition of the buildings (if any), and of the value of the timber and other materials (if any) thereupon fit to be employed in building or repairing, or to be sold, and also a plan or estimate of the work fit and proper to be done for building or repairing such house of residence, with all necessary and convenient offices, and thereupon, by mortgage of the glebe, tithes, rents, rent-charges, and other profits and emoluments, arising or to arise from such benefice, to levy and raise such sum or sums as the said estimate shall amount to, after deducting the value of any timber or other materials which may be thought proper to be sold, not exceeding four years net income and produce of such benefice, after deducting all outgoings (except only the salary of the assistant curate where such a curate is necessary), which mortgage shall be made to the person or persons who shall advance the money so to be levied and raised, for the term of thirty-five years, or until the money so to be raised, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied according to the provisions of this act; and the same mortgage shall be made by one or more deed or deeds in the form or to the effect for that purpose contained in the second schedule to this act, and shall bind the incumbent of such benefice for the time being and his successors until the principal and interest, costs and charges, shall be fully paid off and satisfied, and every incumbent for the time being is hereby made liable to the payment of so much of the principal, interest, and costs as under the directions herein-after contained shall become payable during the time he shall be such incumbent, and every such incumbent and his representatives shall be and are hereby also made respectively liable to the proportion of the payments

for the year which shall be growing at the time of the death of such incumbent, or avoidance of such benefice according to the directions herein-after contained, which said principal, interest, and costs, and the proportion of payment growing at the time of the death of such incumbent or of such avoidance, shall and may be recovered by action of debt in any court of record.

Bishop to transmit copies of report, &c. to patron and incumbent, who may object within two months, and if so, bishop may order plan to be modified or abandoned.

LXIII. Provided always, and be it enacted, that the said bishop shall cause to be transmitted to the patron and the incumbent (if any) of such benefice copies of the report so to be made by such commissioners, and of the plan, estimate, and certificate so to be made by such workman or surveyor, two calendar months at the least before making any such mortgage as aforesaid; and that in case the patron and the incumbent, or either of them, shall object to the proposed site for a residence, or to the proposed plan for erecting or repairing such residence, or to the amount proposed to be raised, and shall deliver such objections in writing to the said bishop before the expiration of such period of two calendar months, the said bishop shall have full power to direct that the plan proposed to be carried into effect shall be altered or modified in such manner as he may think fit: Provided also, that if the bishop shall, after receiving the report to be made by such commissioners, be of opinion that it is not expedient under the special circumstances of any such benefice, to levy and raise any sum or sums of money by mortgage as herein-before required, or otherwise to take measures for providing a fit house of residence for such benefice, he shall state in detail such special circumstances, and the grounds of his opinion in the next annual return to be made by him to her Majesty in council, according to the directions herein-before contained.

Every mortgagee to execute a counterpart of the mortgage, to be kept by the incumbent, &c.

LXIV. And be it enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be kept by the incumbent for the time being; and a copy of every such deed of mortgage shall be registered in the office of the registrar of the bishop of the diocese, after having been first examined by him with the original, which officer shall register the same, and be entitled to demand and receive the sum of five shillings, and no more, for such register; and every

such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search ; and the said deed, or a copy thereof certified under the hand of the registrar, shall be allowed as legal evidence, in case any such mortgage deed shall happen to be lost or destroyed.

LXV. And be it enacted, that whenever the principal and interest directed to be paid to the mortgagee under the provisions of this act, shall be in arrear and unpaid for the space of forty days after the same shall become due, it shall be lawful for such mortgagee, his executors, administrators, or assigns, to recover the same, and the costs and charges attending the recovery thereof, by distress and sale in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

LXVI. And be it enacted, that the money so to be raised shall be paid into the hands of such person or persons as shall be nominated and appointed by the bishop of the diocese by writing under his hand to receive and apply the same for the purposes aforesaid, in the form for that purpose contained in the said schedule, after such nominee shall have given a bond to the ordinary, with sufficient surety, in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this act ; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money ; and the person or persons so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the said bishop, and shall be specified in an instrument written upon parchment and signed by him, and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs, according to the terms of such agreements, and also the expences of preparing the mortgage deed and incident thereto, and of making such certificate, plan, and estimate, and copies thereof as aforesaid, and shall take proper receipts and vouchers for the same ; and as soon as such buildings or repairs shall be completed, and the money paid, shall make out an account of his receipts and payments, together with

On failure of payment of principal and interest for 40 days after due, mortgagee may distrain.

Money borrowed to be paid to such persons as the bishop shall appoint ;

who shall contract for the buildings, &c., and see the same executed, and pay for them, &c.

How the
balance
remaining
shall be
disposed of.

the vouchers for the same, and enter them in a book fairly written, which shall be signed by him, and laid before the bishop of the diocese and examined by him, and when allowed by writing under his hand, such allowance shall be a full discharge to the person so nominated in respect to the said accounts; and if any balance shall remain in the hands of such nominee or nominees, the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said bishop, by order signed by him; and an account shall also be kept, made out, and allowed of such further disbursements in manner aforesaid; all which accounts when made out, completed, and allowed, shall be deposited with the vouchers in the hands of the said registrar, and kept by him for the use and benefit of the incumbents of such benefice for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar or deputy registrar the sum of one shilling for every such inspection.

Directions
for pay-
ment of
principal
and interest
of the
mortgages.

LXVII. And be it enacted, that the incumbent of every such benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall, from and after the expiration of the first year of the said term (in which year no part of the principal sum borrowed shall be repayable), yearly and every year (such year to be computed from the date of such mortgage) pay to the mortgagee one thirtieth part of the principal sum until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year, pay the yearly interest on the principal sum, or so much thereof as shall from time to time remain unpaid; and that every such incumbent shall annually, at his own expence, from the time such buildings authorised to be made by this act shall be completed, insure, at one of the public offices established in London or Westminster for insurance of houses and buildings, the house and other buildings upon such glebe against accidents by fire, at such sum of money as shall be determined upon by the bishop; and in default of the payment of either the principal or interest in manner aforesaid, or neglect of the incumbent to make such

As soon as
the build-
ings are
completed,
incumbent
to insure
them
against
fire.

insurance, the bishop shall have power to sequester the profits of the benefice till such payment or insurance shall be made.

LXVIII. And be it enacted, that the sum payable at the end of any year in which there shall be an avoidance of such benefice, shall be apportioned between the successor and the incumbent avoiding such benefice by death or otherwise, or his representatives, in such proportions as the profits of such living shall have been received by them respectively for the year in which such death or avoidance shall happen; and that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor, and the other by the person making such avoidance, or his representatives in case of his death; and in case such nominees shall not be appointed within the space of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the bishop, whose determination shall be final and conclusive between the parties.

LXIX. And be it enacted, that all sums of money recovered or received, by suit or compositions, from the representatives of any former incumbent of such benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed, and the money paid for the same, shall be applied as soon as received in payment of the principal then due, as far as the same will extend; or in case the said mortgage money shall have been discharged, all such money arising from dilapidations shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the bishop, in case such nominee shall be dead or shall decline to act therein, to be laid out and expended in making some additional buildings or improvements upon the glebe of such benefice, to be approved by the bishop; and in the meantime, or in case such buildings shall

For proportioning the annual payment, in case of death or other avoidance.

All money received for dilapidations, &c. shall be applied in part of the payments under the aforesaid estimate;

or in making some additional improvements, &c.

not be necessary, then in trust to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

Where new buildings are necessary for the residence of the incumbent, the bishop may purchase any conveniently situated house, and a certain portion of land.

LXX. And be it further enacted, that where new buildings are necessary to be provided for the residence of the incumbent of any benefice exceeding in value one hundred pounds a year, and avoided after the passing of this act, and where such new buildings cannot be conveniently erected on the glebe of such benefice, it shall be lawful for the bishop to contract, or to authorise, if he shall think fit, the person so to be nominated by him as aforesaid to contract, for the absolute purchase of any house or buildings in a situation convenient for the residence of the incumbent of such benefice, and also to contract for any land adjoining or lying convenient to such house or building, or to contract for any land upon which a fit house of residence can be conveniently built, and to raise the purchase money for such house or buildings and land adjoining, or for such land upon which a house of residence can be conveniently built (as the case may be), by mortgage of the glebe, tithes, rents, and other profits and emoluments arising or to arise from such benefice, in the same manner in all respects as is herein-before directed with respect to the mortgage herein-before authorised or directed to be made, which mortgage shall be binding upon the incumbent and his successors, and he and they and their representatives are hereby made liable to the payment of the principal, interest, and costs, in the same manner and to the same extent as herein-before directed with respect to the aforesaid mortgage; and the receipt of such nominee or nominees as aforesaid shall be a sufficient discharge to the person or persons who shall advance or pay the money so to be raised: Provided always, that no greater sum shall be charged on any benefice under the authority of this act than four years net income and produce of such benefice (after such deduction as aforesaid).

Buildings and lands to be conveyed to patron in trust for the in-

LXXI. And be it enacted, that the buildings and lands so to be purchased shall be conveyed to the patron of such benefice and his heirs or successors, (as the case may be,) in trust for the sole use and benefit of the incumbent of such benefice for the time being and his successors, and shall be

annexed to such benefice, and be enjoyed and go in succession with the same for ever ; but no contract of purchase made by the nominee shall be valid until confirmed by the bishop by writing under his hand ; and every such purchase deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner and in such office as the other deeds are hereby directed to be registered.

cumbent
for the time
being.

LXXII. And be it enacted, that it shall be lawful for the governors authorised or appointed to regulate and superintend the bounty given by her late Majesty Queen Anne for the augmentation of the maintenance of the poor clergy, to advance and lend out of the money which has arisen or shall from time to time arise from that bounty, for promoting and assisting the purposes of this act, any sum not exceeding the amount hereby authorised to be raised upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

Governors
of Queen
Anne's
bounty
empowered
to lend
certain
sums to
promote
the execu-
tion of this
act.

LXXIII. And be it enacted, that it shall be lawful for any college or hall within the universities of Oxford and Cambridge, or for any other corporate bodies possessed of the patronage of ecclesiastical benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation and convenience of the clergy, upon benefices under the patronage of such college or hall, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

Colleges in
Oxford and
Cambridge
and other
corporate
bodies,
patrons of
livings,
may lend
any sums
without
interest, to
aid the
execution
of this act.

LXXIV. And be it enacted, that it shall be lawful for the said bishop, by writing under his hand, to make such allowance to the person or persons to be nominated by him for the purpose of paying and applying the money so to be raised as aforesaid as he shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

Allowance
to person
nominated
by the
bishop to
pay and
apply
money.

LXXV. And be it enacted, that if any spiritual person holding any benefice, who shall not actually reside thereon

Non-
resident
incumbents

neglecting to appoint curates, the bishop to appoint.

nine months in each year, (unless such person shall, with the consent of the bishop, from time to time, signified in writing under his hand and revocable at any time, perform the ecclesiastical duties of the same, he either being resident on another benefice, of which he shall also be the incumbent, or having a legal exemption from residence on his benefice, or having a licence to reside out of the same, or to reside out of the usual house of residence belonging to the same,) shall for a period exceeding three months altogether, or to be accounted at several times, in the course of any one year absent himself from his benefice, without leaving a curate or curates duly licensed or approved by the bishop to perform such ecclesiastical duties, or shall, for a period of one month after the death, resignation, or removal of any curate who shall have served his church or chapel, neglect to notify such death, resignation, or removal to the bishop, or shall for the period of four months after the death, resignation, or removal of such curate neglect to nominate to the bishop a proper curate, in every such case the bishop is hereby authorised to appoint and license a proper curate, with such salary as is by this act allowed and directed, to serve the church or chapel of the benefice in respect of which such neglect or default shall have occurred: Provided always, that such licence shall in every case specify whether the curate is required to reside within the parish or place, or not; and if the curate is permitted by the bishop to reside out of the parish or place, the grounds upon which the curate is so permitted to reside out of the same shall be specified in such licence; and the distance of the residence of any curate from any such church or chapel which he shall be licensed to serve shall not exceed three statute miles, except in cases of necessity, to be approved by the bishop, and specified in the licence.

Curate to reside on benefices, under certain circumstances.

LXXVI. And be it enacted, that in every case where a curate is appointed to serve in any benefice upon which the incumbent either does not reside or has not satisfied the bishop of his full purpose to reside during four months in the year, such curate shall be required by the bishop to reside within the parish or place in which such benefice is situate, or if no convenient residence can be procured within

such parish or place, then within three statute miles of the church or chapel of the benefice in which he shall be licensed to serve, except in cases of necessity, to be approved of by the bishop, and specified in the licence ; and such place of residence shall also be specified in the licence.

LXXVII. And be it enacted, that whenever the bishop shall see reason to believe that the ecclesiastical duties of any benefice are inadequately performed, it shall be lawful for him to issue a commission to four beneficed clergymen of his diocese, or if the benefice be within his peculiar jurisdiction but locally situate in another diocese, then to four beneficed clergymen of such last-mentioned diocese, one whereof shall be the rural dean, if any, of the rural deanery or district wherein such benefice is situated, directing them to inquire into the facts of the case ; and it shall be lawful for the incumbent of the said benefice to add to such commissioners one other incumbent of a benefice within the same diocese ; and if the said commissioners, or the major part of them, report, in writing under their hands, to the said bishop that in their opinion the duties of such benefice are inadequately performed, it shall be lawful for such bishop, if he shall see fit, by writing under his hand, to require the spiritual person holding such benefice, though he may actually reside or be engaged in performing the duties thereof, to nominate to him a fit person or persons, with sufficient stipend or stipends, to be licensed by him to perform, or to assist in performing such duties, specifying therein the grounds of such requisition ; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, it shall be lawful for the bishop to appoint and license a curate or curates, as the case shall appear to him to require, with such stipend or stipends as he shall think fit to appoint, not exceeding the respective stipends allowed to curates by this act in the case of non-resident incumbents ; nor, except in the case of negligence, exceeding one half of the net annual value of such benefice ; and such bishop shall cause a copy of every such requisition, and the evidence to found the same, to be forthwith filed in the registry of his court : provided always, That it shall be lawful for any such

If duty inadequately performed, the bishop may appoint a curate ;

but incumbent may appeal.

spiritual person, within one month after the service upon him of such requisition to nominate a curate, or of notice of any such appointment and licence of such curate or curates, to appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may seem just and proper.

In large benefices an assistant curate may be required.

LXXVIII. And be it enacted, that whenever the annual value of any benefice, the incumbent whereof was not in possession at the time of the passing of this act, shall exceed five hundred pounds, and the population thereof shall amount to three thousand persons, or though the population do not amount to three thousand persons, if there be in the said benefice a second church or chapel, situated not less than two miles from the mother church, and with a hamlet or district connected with it containing four hundred persons, it shall be lawful for the bishop, if he shall see fit, to require the spiritual person holding such benefice, although he shall be resident thereon or engaged in performing the duties thereof, to nominate a fit and proper person to be licensed as a curate to assist in performing the duties of such benefice, and to be paid by the person holding the same; and if a fit person shall not be nominated to the bishop within three months after his requisition for that purpose shall have been delivered to the incumbent, or left at his last or usual place of abode, it shall be lawful for the bishop to appoint and license a curate, with such stipend as he shall think fit to appoint, not exceeding the respective stipends allowed to curates by this act, nor in any case exceeding one fifth part of the net annual value of the benefice: provided always, That such spiritual person may, within one month after service upon him of such requisition to nominate a curate, or of notice of any such appointment of a curate, appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.

Appeal.

Stipend to be paid by committee of lunatic's estate.

LXXIX. And be it enacted, that in case of a stipend being assigned by the bishop, according to the provisions of this act, to the curate of any benefice, the incumbent whereof shall have been duly found a lunatic or person of unsound mind, the committee of the estate of any such lunatic, or

person of unsound mind, shall pay such stipend to such curate out of the profits of the benefice which shall come to his hands.

LXXX. And be it enacted, that it shall be lawful for the bishop, in his discretion, to order that there shall be two full services, each of such services, if the bishop shall so direct, to include a sermon or lecture on every Sunday throughout the year, or any part thereof, in the church or chapel of every or any benefice within his diocese, whatever may be the annual value or the population thereof; and also in the church or chapel of every parish or chapelry, where a benefice is composed of two or more parishes or chapelries, in which there shall be a church or chapel, if the annual value of the benefice arising from that parish or chapelry shall amount to one hundred and fifty pounds, and the population of that parish or chapelry shall amount to four hundred persons: provided always, That nothing herein contained shall be taken to repeal or affect the provisions of an act passed in the fifty-eighth year of the reign of his Majesty King George the Third, intituled, “ An act for building, and promoting the building, of additional churches in populous parishes,” by which the bishop of any diocese is empowered to direct the performance of a third or additional service in the several churches or chapels within his diocese, under the circumstances therein mentioned.

LXXXI. And be it enacted, that every bishop to whom any application shall be made for any licence for a curate to serve for any person not duly residing upon his benefice shall, before he shall grant such licence, require a statement of all the particulars by this act required to be stated by any person applying for a licence for non-residence; and in every case in which application shall be made to any bishop for a licence for any stipendiary curate to serve in any benefice, whether the incumbent be resident or non-resident, such bishop shall also require a declaration in writing to be made and subscribed by the incumbent and the curate, to the purport and effect that the one *bonâ fide* intends to pay, and the other *bonâ fide* intends to receive, the whole actual stipend mentioned in such statement, without any abatement in respect

Bishops may enforce two services on Sundays, in certain cases.

Not to affect the provision of the act 58 G. 3. c. 45. s. 65.

Statement of particulars necessary to be given, and declaration to be made, on application for a licence for a curate.

of rent or consideration for the use of the glebe-house, and without any other deduction or reservation whatever.

Fee for
licence.

LXXXII. And be it enacted, that every curate obtaining such licence as aforesaid shall pay to the secretary, or other proper officer of the bishop for the same, the sum of ten shillings, over and above any stamp-duty which may be chargeable thereon; which sum of ten shillings shall be in lieu of all fees heretofore demandable by such secretary or officer for such licence, or for any certificate connected therewith; and that whenever any person shall be licensed to two curacies within the same diocese at the same time, it shall be sufficient for such person to sign a declaration appointed to be signed by an act, intituled, "An act of uniformity," once only; and it shall be sufficient for such person to produce one certificate only of his having so signed such declaration.

Bishop
shall
appoint
stipends to
curates;

LXXXIII. And be it enacted, that it shall be lawful for the bishop of the diocese, and he is hereby required, subject to the several provisions and restrictions in this act contained, to appoint to every curate of a non-resident incumbent such stipend as is specified in this act; and every licence to be granted to a stipendiary curate, whether the incumbent of the benefice be resident or non-resident thereon, shall specify the amount of the stipend to be paid to the curate; and in case any difference shall arise between the incumbent of any benefice and his curate touching such stipend, or the payment thereof, or of the arrears thereof, the bishop, on complaint to him made, may and shall summarily hear and determine the same, without appeal; and in case of wilful neglect or refusal to pay such stipend, or the arrears thereof, he is hereby empowered to enforce payment of such stipend, or the arrears thereof, by monition, and by sequestration of the profits of such benefice.

and decide
differences
respecting
them.

Stipends to
curates of
incumbents
before 20th
July 1813,
not to
exceed a
certain
rate.

LXXXIV. And be it enacted, that it shall not be lawful for the bishop to appoint for the curate of any benefice, to which the spiritual person holding the same was instituted, licensed, or otherwise admitted before the twentieth day of July one thousand eight hundred and thirteen, any stipend exceeding seventy-five pounds per annum, together with the use of the house of residence, and the gardens and stables

belonging thereto, or a further sum of fifteen pounds in lieu of the use of the rectory or vicarage-house, or other house of residence, in case there shall be no house, or it shall not appear to the bishop convenient to assign the house to the curate.

LXXXV. And be it enacted, that in every case in which any spiritual person shall have been, since the twentieth day of July one thousand eight hundred and thirteen, or shall hereafter be instituted, inducted, nominated, or appointed to, or otherwise become incumbent of any benefice, and shall not duly reside thereon, the bishop shall appoint for the curate licensed under the provisions of this act to serve such benefice, such stipend as is herein-after next mentioned; (that is to say,) such stipend shall in no case be less than eighty pounds per annum, or than the annual value of the benefice, if such value shall not amount to eighty pounds; nor less than one hundred pounds per annum, or than the whole value, if such value shall not amount to one hundred pounds, in any parish or place where the population shall amount to three hundred persons; nor less than one hundred and twenty pounds per annum, or than the whole value, if such value shall not amount to one hundred and twenty pounds, in any parish or place where the population shall amount to five hundred persons; nor less than one hundred and thirty-five pounds per annum, or than the whole value, if such value shall not amount to one hundred and thirty-five pounds, in any parish or place where the population shall amount to seven hundred and fifty persons; nor less than one hundred and fifty pounds per annum, or than the whole value, if such value shall not amount to one hundred and fifty pounds, in any parish or place where the population shall amount to one thousand persons.

LXXXVI. And be it enacted, that where the annual value of any such benefice shall exceed four hundred pounds, it shall be lawful for the bishop to assign to the curate, being resident within the same, and serving no other cure, a stipend of one hundred pounds, notwithstanding the population may not amount to three hundred persons; and that where the annual value of any such benefice shall exceed four hundred pounds, and the population shall amount to

Stipends to curates to be according to specified scale, proportioned to the value and population of the benefice.

Larger stipends in certain cases of larger value and population.

five hundred persons, it shall be lawful for the bishop to assign to the curate, being resident within the same, and serving no other cure, any larger stipend, so that the same shall not exceed by more than fifty pounds per annum the amount of the stipend herein-before required to be assigned to any such curate; and that where the population of any such benefice shall exceed two thousand persons, it shall be lawful for the bishop to require the incumbent thereof to nominate to him two persons to be licensed as curates; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, it shall be lawful for the bishop to appoint and license two curates, or a second curate; and in all and every of such cases to assign to each curate so nominated or appointed such stipend as he shall think fit, not exceeding together the highest rate of stipend allowed by this act in the case of one such curate, except in cases where the incumbent shall consent to a larger stipend: provided always, That such incumbent may, within one month after service upon him of such requisition, or of notice of any such appointment of two curates, or a second curate, appeal to the archbishop of the province, who shall approve or revoke such requisition, or confirm or annul such appointment, as to him may appear just and proper.

Bishop
may
require two
curates.

Appcal.

Smaller
stipends in
certain
cases.

LXXXVII. And be it enacted, that in every case in which the bishop shall be satisfied that any spiritual person holding any benefice within his diocese is non-resident, or has become incapable of performing the duties thereof from age, sickness, or other unavoidable cause, and that, from these, or from any other special and peculiar circumstances, great hardship or inconvenience would arise, if the full stipend specified in this act should be allowed to the curate of such benefice, it shall be lawful for such bishop, with the consent of the archbishop of the province, to be signified in writing under the hand of the said archbishop upon the licence to be granted to such curate, to assign to the curate such stipend, less than the full amount in this act specified, as shall appear to him just and reasonable: provided always, That in the licence granted in every such case it shall be stated, that for special reasons the bishop hath not thought proper to assign

to the curate the full stipend required by this act: provided also, That such special reasons shall be entered fully in a separate book to be kept for that purpose, and to be deposited in the registry of the diocese; which book shall be open to inspection with the leave of the bishop, as in the cases of application for licences for non-residence.

LXXXVIII. And be it enacted, that if any incumbent of two benefices, residing *bonâ fide* in different proportions of every year on one or other of such benefices the full period specified by this act, shall employ a curate to perform ecclesiastical duty interchangeably from time to time upon such of the benefices from which he shall be absent during his own actual residence upon the other thereof, it shall be lawful for the bishop to assign to such curate any stipend not exceeding such stipend as would be allowed under this act for the larger of such benefices, nor less than would be allowed for the smaller, as to the bishop shall, under all the circumstances, appear just and reasonable: provided always, That if any such incumbent shall employ a curate or curates for the whole year upon each of such benefices, such incumbent so residing *bonâ fide* as aforesaid, in such case it shall be lawful for the bishop to assign to either or each of such curates any such stipend less than the amount specified in this act, as he shall think fit.

Stipend of curate engaged to serve interchangeably at different benefices belonging to the same incumbent.

LXXXIX. And be it enacted, that in every case where the bishop shall find it necessary or expedient, for obtaining the proper performance of ecclesiastical duties, to license any spiritual person holding any benefice, to serve as curate of any adjoining or other parish or place, it shall be lawful for such bishop, if he shall think fit, to assign to such person so licensed, a stipend less by a sum not exceeding thirty pounds per annum than the stipend which in the several cases in this act specified the bishop is required to assign; and in every case where the bishop shall find it necessary or expedient to license the same person to serve as curate for two parishes or places, it shall be lawful for such bishop, if he shall think fit, to direct that during such time as such curate shall serve the churches or chapels of such two parishes or places, the stipend to be received by him for serving each of

How the stipends shall be adjusted where the curate is permitted to serve in two adjoining parishes.

the said churches or chapels, shall be less by a sum not exceeding thirty pounds per annum, than the stipend which in the several cases herein-before specified the bishop is required by this act to assign.

Agreements for stipends to curates contrary to this act void.

XC. And be it enacted, that all agreements made or to be made between persons holding benefices, and their curates, in fraud or derogation of the provisions of this act, and all agreements whereby any curate shall undertake or in any manner bind himself to accept or be content with any stipend less than that which shall be assigned by his licence, shall be void to all intents and purposes, and shall not be pleaded or given in evidence in any court of law or equity; and, notwithstanding the payment and acceptance, in pursuance of any such agreement, of any sum less than that assigned by the licence, or any receipt, discharge, or acquittance that may be given for the same, the curate and his personal representatives shall be and remain entitled to the full amount of the stipend assigned by his licence; and the payment of so much thereof as shall be proved to the satisfaction of the bishop to remain unpaid shall, together with full costs of recovering the same as between proctor and client, be enforced by monition, and by sequestration of the profits of the benefice, to be issued by the bishop for that purpose on application made by the curate or his representatives; provided that such application shall in every such case be made to the bishop within twelve months after such curate shall have quitted his curacy, or have died.

Curate's stipend, if of the value of the benefice, liable to all charges.

XCI. And be it enacted, that in every case in which the bishop shall assign to any curate a stipend equal to the whole annual value of the benefice in which he is licensed to serve, such stipend shall be subject to deduction in respect to all such charges and outgoings as may legally affect the value of such benefice, and to any loss or diminution which may lessen such value, without the wilful default or neglect of the spiritual person holding the benefice.

Bishop may allow incumbent to deduct from curate's stipend for

XCII. And be it enacted, that in every such case as last aforesaid it shall be lawful for the bishop, upon the application of the spiritual person holding the benefice, to allow such spiritual person to retain in each year so much money, not exceeding in any case one fourth part of the annual

value, as shall have been actually expended during the year in the repair of the chancel and of the house of residence and premises and appurtenances thereto belonging, in respect of which such spiritual person, or his executors or administrators, would be liable for dilapidations to the successor; and it shall also be lawful for the bishop, in like manner, to allow any spiritual person holding any benefice, the annual value whereof shall not exceed one hundred and fifty pounds, to deduct from the stipend assigned to the curate, in each year, so much money as shall have been actually expended in such repairs, above the amount of the surplus remaining of such value after payment of such stipend; provided that the sum so deducted, after laying out such surplus, shall not in any year exceed one fourth part of such stipend.

repairs to a limited amount, in certain cases.

XCIII. And be it enacted, that it shall be lawful for the bishop who shall have granted any licence to any curate to serve in any benefice, the incumbent whereof is not resident for four months in each year, and who shall have required such curate to reside in the house of residence belonging to the benefice, to assign to such curate such house of residence; together with the offices, stables, gardens, and appurtenances thereto belonging, or any part or parts thereof, without payment of any rent, and also to assign any portion of glebe-land adjacent to the house, and not exceeding four statute acres, at such rent as shall be fixed by the archdeacon of the archdeaconry, or by the rural dean, if any, of the deanery or district within which the benefice is situate, and one neighbouring incumbent, and approved of by the bishop, during the time of such curate's serving the cure, or during the non-residence of the incumbent of such benefice; and it shall be lawful for the bishop making any such assignment to any curate, to sequester the profits of the benefice in any case in which possession of the premises so assigned shall not be given up to the curate, and until such possession shall be given, and to direct the application of the profits arising from such sequestration as is herein-before directed in the case of sequestration for non-residence, or to remit the same, or any part thereof, as the bishop shall in his discretion think fit.

Curate directed to reside in parsonage-house, in case of non-residence of incumbent, may have certain portion of glebe assigned to him by bishop.

XCIV. And be it enacted, that in every case where the bishop shall assign to the curate licensed to serve in any bene-

Curates to pay taxes of parsonage.

houses, in certain cases.

fic a stipend not less than the whole value of the same, and shall, in addition to such stipend, direct that such curate shall reside in the house of residence belonging to such benefice, such curate shall be liable during the time of his serving such cure to the same taxes and parochial rates and assessments, in respect of such house, premises, and appurtenances thereto belonging, as if he had been incumbent of the benefice : provided always, That in every other case in which the curate shall so reside by direction of the bishop it shall be lawful for such bishop, if he shall think fit, to order that the incumbent shall pay to the curate all or any part of such sums as he may have been required to pay, and shall have actually paid, within one year, ending at Michaelmas-day next preceding the date of such order for any such taxes, parochial rates, or assessments as shall become due at any time after the passing of this act ; and the bishop may, if necessary, enforce payment thereof by monition, and sequestration of the profits of such benefice.

Curate to quit cure upon having six weeks notice from new incumbent within six months after his admission, and in other cases, incumbent, with bishop's permission, may dispossess curate of cure on six months notice.

XCV. And be it enacted, that every curate shall quit and give up the cure of any benefice which shall become vacant upon having six weeks notice from the spiritual person admitted, collated, instituted, or licensed to such benefice ; provided such notice shall be given within six months from the time of such admission, collation, institution, or licence ; and that in all other cases it shall be lawful for the incumbent of any benefice, whether resident or non-resident thereon, having first obtained the permission of the bishop of the diocese, to be signified by writing under his hand, to require any one or more of his curates, who after the passing of this act shall be licensed to any curacy, to quit and give up his curacy, upon six months notice thereof given to the curate ; who shall thereupon quit the same according to such notice ; provided always, That any incumbent resident on his benefice, or not resident but desiring to reside on his benefice, may, within one month after refusal of such permission as aforesaid by the bishop, appeal to the archbishop of the province, who shall either confirm such refusal or grant such permission as to him may seem just and proper.

Appeal.

Curate peaceably to deliver

XCVI. And be it enacted, that every curate who shall reside in the house of residence of any benefice which shall

become vacant, shall peaceably deliver up possession thereof, with the appurtenances, upon having six weeks notice from the spiritual person admitted, collated, instituted, or licensed to such benefice; provided such notice be given within six months from the time of such admission, collation, institution, or licence; and that in all other cases it shall be lawful for the incumbent of any benefice, with the permission signified in writing under the hand of the bishop of the diocese, or for such bishop, at any time, upon six months notice in writing, to direct any curate to deliver up the house of residence, and the offices, stables, gardens, and appurtenances thereto belonging, and such portion of the glebe-land as shall have been assigned to such curate; and such curate shall thereupon peaceably deliver up the possession of the premises pursuant to such notice: and if any curate shall refuse to deliver up such premises in any or either of the cases aforesaid, he shall pay to the spiritual person holding the benefice the sum of forty shillings for every day of wrongful possession after the service of such notice.

up possession of house of residence within six months after notice or pay 40s. per day.

XCVII. And be it enacted, that no curate shall quit any curacy to which he shall be licensed until after three months notice of his intention given to the incumbent of the benefice and to the bishop, unless with the consent of the bishop, to be signified in writing under his hand, upon pain of paying to the incumbent a sum not exceeding the amount of his stipend for six months, at the discretion of the bishop, such sum to be specified in writing under the hand of the bishop; which sum may in such case be retained out of the stipend if the same or any part thereof shall remain unpaid, or, if the same cannot be retained out of the stipend, may be recovered by the spiritual person holding the benefice by action of debt.

Curate not to quit curacy without three months notice to incumbent and bishop, under a penalty.

XCVIII. And be it enacted, that it shall be lawful for the bishop to license any curate who is or shall be actually employed by any non-resident incumbent of any benefice within his diocese, although no express nomination of such curate shall have been made to such bishop by the incumbent; and that the bishop shall have power, after having given to the curate sufficient opportunity of showing reason to the contrary, to revoke, summarily and without further process, any

Bishop may license curates employed without nomination, revoke any licence, and remove the curate, subject to

appeal to
the arch-
bishop.

licence granted to any curate, and to remove such curate, for any cause which shall appear to such bishop to be good and reasonable : provided always, That any such curate may, within one month after service upon him of such revocation, appeal to the archbishop of the province, who shall confirm or annul such revocation as to him shall appear just and proper.

Bishop
may ap-
point
curates to
all seques-
tered
benefices.

XCIX. And be it enacted, that in every case in which a benefice shall be under sequestration, except for the purpose of providing a house of residence as aforesaid, it shall be lawful to the bishop, and he is hereby required, if the incumbent shall not perform the duties of the said benefice, to appoint and license a curate or curates thereto, and to assign to him or them a stipend or stipends, not exceeding, in the case of any one such curate, the highest rate of stipend allowed by this act, nor, where more than one curate is appointed, a stipend exceeding one hundred pounds to more than one such curate; such stipend or stipends to be paid by the sequestrator of such benefice out of the profits thereof; provided always, That not more than one curate shall be appointed to any such benefice in any case in which there is not more than one church, or the population does not exceed two thousand persons.

Stipend of
curate of
sequestered
benefice to
be paid by
seques-
trator.

C. And be it enacted, that upon the avoidance of any benefice, by death, resignation, or otherwise, the sequestrator appointed by the bishop shall, out of the profits thereof which shall come to his hands, pay to the curate or curates appointed by such bishop to perform the ecclesiastical duties of such benefice during the vacancy thereof, such stipend or stipends as shall be ordered to be paid to him or them by such bishop, not exceeding the respective stipends allowed by this act, and in proportion only to the time of such vacancy.

Proviso for
payment by
succeeding
incumbent,
where
profits
during se-
questration
insufficient.

CI. Provided always, and be it enacted, that if the profits of such benefice which shall have come to the hands of such sequestrator during the vacancy thereof shall not be sufficient to pay such stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such curate by the succeeding incumbent of such benefice out of the profits thereof; and such bishop is hereby empowered and required,

if necessary, to enforce payment of the same by monition, and by sequestration of the profits of such benefice.

CII. And be it enacted, that every bishop who shall grant or revoke any licence to any curate under this act, shall cause a copy of such licence or revocation to be entered in the registry of the diocese; and an alphabetical list of such licences and revocations shall be made out by the registrar of each diocese, and entered in a book, and kept for the inspection of all persons, upon payment of three shillings, and no more; and a copy of every such licence and revocation shall be transmitted by the said registrar to the churchwardens or chapelwardens of the parish, township, or place to which the same relates, within one month after the grant of such licence or revocation thereof, to be by them deposited in the parish chest: provided always, That every such registrar shall for every such copy transmitted to such churchwardens or chapel wardens as aforesaid, be entitled to demand and receive from the incumbent of such benefice a fee of three shillings, and no more: provided also, That in case the archbishop shall, on appeal to him, annul the revocation of any such licence, the bishop by whom such revocation shall have been made, shall, immediately on receiving notice from the archbishop that he had annulled the same, make such or the like order as is herein-before directed to be made on the revocation of a licence for non-residence being annulled; which order shall be binding on the registrar and churchwardens respectively to whom the same shall be addressed.

Licences to curates, and revocations thereof, to be entered in the registry of the diocese.

CIII. And whereas in many benefices in Wales, and in the counties adjacent thereunto, many of the inhabitants are imperfectly, or not at all, instructed in the English language, and it is expedient that persons to be hereafter instituted or licensed to such benefices should possess an adequate knowledge of the Welsh language: and whereas in and by an act passed in the session of parliament holden in the sixth and seventh years of his late Majesty's reign, intituled, "An act for carrying into effect the reports of the commissioners appointed to consider the state of the established church in England and Wales, with reference to ecclesiastical duties and revenues, so far as they relate to episcopal dioceses;

Repeal of part of 6 & 7 W. 4. c. 77.

revenues, and patronage," the said commissioners were directed to prepare, and lay before his then Majesty in council, a scheme for preventing the appointment of any clergyman not fully conversant with the Welsh language to certain benefices with cure of souls in Wales: and whereas it is expedient to repeal such enactment, and instead thereof to enact other provisions of more general and extensive application; be it therefore enacted, That the said enactment shall be and the same is hereby repealed.

Provision
for benefices in
certain
Welsh
dioceses.

CIV. And be it enacted, that within the several dioceses of Saint Asaph, Bangor, Llandaff, and Saint David's, it shall and may be lawful for the bishop, if he shall think fit, to refuse institution or licence to any spiritual person who, after due examination and inquiry, shall be found unable to preach, administer the sacraments, perform other pastoral duties, and converse in the Welsh language: provided always, That any such spiritual person may, within one month after such refusal, appeal to the archbishop of Canterbury, who shall either confirm such refusal or direct the bishop to grant institution or licence, as shall seem to the said archbishop just and proper: provided also, That nothing hereinbefore contained shall be construed to affect or abridge any rights which the inhabitants of any benefice within the said four Welsh dioceses may at present by law possess of entering a caveat against or objecting in due course of law to the institution, collation, or licence of any spiritual person, or of proceeding to procure the deprivation of any such person.

Provision
for curates
in certain
Welsh
dioceses.

CV. And be it enacted, that all the provisions and powers of this act relating to the appointment of curates where the ecclesiastical duties are inadequately performed, shall, within the several dioceses of Saint Asaph, Bangor, Llandaff, and Saint David's, extend and apply to cases wherein the bishop shall see reason to believe that the ecclesiastical duties of any benefice are not satisfactorily performed, by reason of the insufficient instruction in the Welsh language of the spiritual person serving such benefice.

No spi-
ritual
person to
serve more

CVI. And be it enacted, that no spiritual person shall serve more than two benefices in one day, unless in case of unforeseen and pressing emergency; in which case the

spiritual person who shall so have served more than two benefices shall forthwith report the circumstance to the bishop of the diocese.

than two benefices in one day.

CVII. And be it enacted, that all the powers, authorities, provisions, regulations, matters, and things in this act contained, in relation to bishops in their dioceses, shall extend and be construed to extend to the archbishops in the respective dioceses of which they are bishops, and also in their own peculiar jurisdictions, as fully and effectually as if the archbishops were named with the bishops in every such case.

Provisions relating to bishops to apply to archbishops in their own dioceses.

CVIII. And be it enacted, that every archbishop and bishop, within the limits of whose province or diocese respectively any benefice, exempt or peculiar, shall be locally situate, shall, except as herein otherwise provided, have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this act, and for enforcing the same with regard thereto respectively, as such archbishop and bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop; and where any benefice, exempt or peculiar, shall be locally situate within the limits of more than one province or diocese, or where the same or any of them shall be locally situate between the limits of the two provinces, or between the limits of any two or more dioceses, the archbishop or bishop of the cathedral church to whose province or diocese the parish church of the same respectively shall be nearest in local situation, shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this act, and enforcing the same, with regard thereto respectively; as such archbishop or bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively; and the same for all the purposes of this act shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop; provided that the peculiars belonging to any archbishoprick or bishoprick, though locally situate in another diocese, shall continue subject to the archbishop or bishop to

Power of archbishops and bishops as to exempt or peculiar benefices, &c.

whom they belong, as well for the purposes of this act, as for all other purposes of ecclesiastical jurisdiction.

Where jurisdiction is given to bishop, &c. all concurrent jurisdiction to cease.

CIX. And be it enacted, that in every case in which jurisdiction is given to the bishop of the diocese, or to any archbishop, under the provisions of this act, and for the purposes thereof, and the enforcing the due execution of the provisions thereof, all other and concurrent jurisdiction in respect thereof shall, except as herein otherwise provided, wholly cease, and no other jurisdiction in relation to the provisions of this act shall be used, exercised, or enforced, save and except such jurisdiction of the bishop and archbishop under this act; any thing in any act or acts of parliament, or law or laws, or usage or custom, to the contrary notwithstanding.

Sequestrations under this act to have priority.

CX. And be it enacted, that every sequestration issued under the provisions of this act shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations, and the sums to be thereby recovered, except such sequestrations as shall be founded on judgments duly docketed before the passing of this act, and also except such sequestrations as shall have been issued before any sequestration under this act under the provisions of an act passed in the seventeenth year of the reign of King George the Third, for promoting the residence of the parochial clergy, and the monies to be recovered by such excepted sequestrations respectively.

The mode of appealing to the archbishop of the province.

CXI. And be it enacted, that all appeals under the provisions of this act to any archbishop shall be in writing signed by the party appealing; and, that in order to discourage frivolous appeals, no proceeding shall be had in any such appeal until the appellant shall, if required, have given security, in such form and to such amount as the archbishop shall direct, of payment to the bishop of such costs as shall be awarded by the archbishop if he shall decide against the appellant; and that after such security, if required, shall have been given, the said archbishop shall forthwith, either by himself or by some commissioner or commissioners appointed under his hand from among the other bishops of his province, make, or cause to be made, inquiry into the matter complained of; and shall after such inquiry, and in the latter

case after a report in writing from his said commissioner or commissioners, give his decision in such appeal in writing under his hand; and when he shall decide the merits of the appeal against the appellant he shall also award and direct whether any and what amount of costs shall be paid by the appellant to the bishop respondent; and in like manner when he shall decide in favour of the appellant, he shall also award and direct whether any and what amount of costs shall be paid by the bishop respondent to the appellant.

CXII. And be it enacted, that in all cases in which proceedings under this act are directed to be by monition and sequestration, such monition shall issue under the hand and seal of the bishop, and such monition, and any other instrument or notice issued in pursuance of the provisions of this act, and not otherwise specially provided for, shall be served personally upon the spiritual person therein named or to whom it shall be directed, by showing the original to him and leaving with him a true copy thereof, or, in case such spiritual person cannot be found, by leaving a true copy thereof at his usual or last known place of residence, and by affixing another copy thereof upon the church door of the parish in which such place of residence shall be situate, and also, in the case of such monition, by leaving another copy thereof with the officiating minister or one of the churchwardens of the said parish, and also by affixing another copy thereof on the church door of the parish in which the benefice of such spiritual person shall be situate; and such monition or other instrument, or notice as aforesaid, shall, immediately after the service thereof, be returned into the consistorial court of such bishop, and be there filed, together with an affidavit of the time and manner in which the same shall have been served; and thereupon, in case of such monition, it shall be competent to the party monished to show cause, by affidavit or otherwise, as the case may require, why a sequestration should not issue according to the tenor of such monition; and if such spiritual person shall not, within the time assigned by such monition, show sufficient cause to the contrary, such sequestration shall issue under the seal of the consistorial court of such bishop, and shall be served and returned into the registry of such court

Regulations
respecting
monitions
and seques-
trations.

in like manner as is herein-before directed with respect to monitions issued under the provisions of this act.

Sequestration not to issue after monition to reside, until service of order.

CXIII. Provided always, and be it enacted, that in any case of non-residence in which a monition shall have been served upon any spiritual person under the provisions of this act, requiring such spiritual person to reside on his benefice, no sequestration shall issue until an order requiring such spiritual person to proceed and reside upon such benefice within thirty days, as herein-before enacted, shall have been served upon him in the same manner as is herein-before directed as to the service of monitions.

Recovery of penalties against spiritual persons.

CXIV. And be it enacted, that all penalties and forfeitures which shall be incurred under this act by any spiritual person holding a benefice shall and may be sued for and recovered in the court of the bishop of the diocese in which such benefice is situate, and by some person duly authorised for that purpose by such bishop by writing under his hand and seal, and in no other court, and by or at the instance of no other person whatever ; and that the payment of every such penalty or forfeiture, together with the reasonable expence incurred in recovering the same, shall and may be enforced by monition and sequestration ; and that it shall and may be lawful for such bishop, by any order made for that purpose in writing, under his hand, and to be registered in the registry of the diocese, which the registrar is hereby required to do, to direct that every such penalty or forfeiture so recovered as aforesaid, and which shall not have been remitted in whole or in part, or so much thereof as shall not have been remitted, shall be applied towards the augmentation or improvement of such benefice or of the house of residence thereof, or of any of the buildings or appurtenances thereof.

Recovery of fees, &c.

CXV. And be it enacted, that all fees, charges, costs, and expences incurred or directed to be paid by any spiritual person holding any benefice under the provisions of this act, which shall remain unpaid for the period of twenty-one days after demand thereof in writing delivered to or left at the usual or last place of abode of such spiritual person, may be recovered by monition and sequestration : Provided always, that it shall be lawful for the person or persons of whom any such fees, costs, charges, and expences shall be so demanded

to apply to the bishop of the diocese to order the taxation thereof, and such bishop shall thereupon order some proper person to tax and settle the same; and the certificate of allowance by the person so to be appointed, of such fees, costs, charges, and expences so to be taxed, shall be final.

CXVI. And be it enacted, that if the registrar of any diocese shall refuse or neglect to make any entry, or to do any other matter or thing prescribed by this act, he shall forfeit for every such refusal or neglect the sum of five pounds.

Penalty on registrar for neglect.

CXVII. And be it enacted, that all penalties and forfeitures under this act incurred by persons not spiritual, or by spiritual persons not holding benefices, shall be sued for and recovered by any person who will sue for the same by action of debt in any of her Majesty's courts of record at Westminster.

Recovery of penalties against laymen or unbene-ficed clergymen.

CXVIII. And be it enacted, that no penalty shall be recovered against any spiritual person, under the provisions of this act, other or further than those which such spiritual person may have incurred subsequent to the first day of January in the year immediately preceding the year in which such proceedings shall be commenced.

Penalties not recoverable for more than one year.

CXIX. And be it enacted, that all penalties recovered under the provisions of this act, the application of which is not specially directed thereby, shall be paid over to the treasurer of the governors of the bounty of Queen Anne, to be applied to the purposes of the said bounty.

Application of penalties.

CXX. And be it enacted, that for all the purposes of this act, except as herein otherwise provided, the year shall be deemed to commence on the first day of January, and be reckoned therefrom to the thirty-first day of December, both inclusive.

Commencement and conclusion of the year.

CXXI. And be it enacted, that for all the purposes of this act the months therein named shall be taken to be calendar months, except in any case in which any month or months are to be made up of different periods less than a month, and in every such case thirty days shall be deemed a month.

How months to be calculated. Certified copy of entry of licence to be evidence.

CXXII. And be it enacted, that in every case where by the provisions of this act the copy of any licence is required to be filed or entered in the registry of the diocese, a copy

thereof, certified by the registrar, shall be admissible as evidence in all courts and places whatever.

Statements
how to be
verified.

CXXIII. And be it enacted, that when authority is given by this act to any archbishop or bishop to require any statement or facts to be verified by evidence, or to inquire or to cause inquiry to be made into any facts, such archbishop or bishop may require any such statement or any of such facts to be verified in such manner as the said archbishop or bishop shall see fit; and that when any oath, affidavit, or affirmation or solemn declaration is or may be by or in pursuance of the provisions of this act required to be made, such oath, affidavit, or affirmation, or solemn declaration shall and may be made either before such archbishop or bishop, or the commissioner or commissioners, or one of them, of such archbishop or bishop respectively, or before some ecclesiastical judge or his surrogate, or before a justice of the peace, or before a master or master extraordinary in chancery, who are hereby authorised and empowered in all and every of the cases aforesaid to administer such oath, affidavit, and affirmation, or to take such declaration, as the case may be.

Definition
of the term
"cathedral
preferment,"

CXXIV. And be it enacted, that in all cases where the term "cathedral preferment" is used in this act, it shall be construed to comprehend (unless it shall otherwise appear from the context) every deanery, archdeaconry, prebend, canonry, office of minor canon, priest vicar, or vicar choral, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church, and every mastership, wardenship, and fellowship in any collegiate church; and that in all cases where the term "benefice" is used in this act, the said term shall be understood and taken to mean benefice with cure of souls, and no other, (unless it shall otherwise appear from the context,) and therein to comprehend all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging or reputed to belong, or annexed or reputed to be annexed, to any church or chapel, any thing in any other act to the contrary notwithstanding.

and "benefice."

CXXV. And be it enacted, that in every case in which the consent of, or the execution of any deed or deeds, instrument or instruments by, the patron of any cathedral preferment, or of any benefice, sinecure rectory, or vicarage, or the owner or impropiator of any lands, tithes, tenements, or hereditaments, is required for carrying into effect any of the purposes of this act, and also in every case in which it may be necessary to give any notice to any such patron for any of the said purposes, the consent of execution by or notice to the patron or person entitled to make donation or present or nominate to such cathedral preferment, benefice, sinecure rectory, or vicarage, in case the same were then vacant, or the person or persons who shall be in the actual possession, receipt, or perception of the rents, proceeds, or profits of such lands, tithes, tenements, or hereditaments for an estate or interest not less than an estate for life, shall respectively be sufficient.

Who to be considered patron.

CXXVI. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, or in which any notice shall be required by this act to be given to the patron of any benefice, and the patronage of such benefice shall be in the Crown, the consent of the Crown to the exercise of such power shall be testified, and such notice shall be given respectively in the manner herein-after mentioned; (that is to say,) if such benefice shall be above the yearly value of twenty pounds in the Queen's books, the instrument by which the power shall be exercised shall be executed by, and any such notice shall be given to, the Lord, High Treasurer or First Lord Commissioner of the Treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the Queen's books, such instrument shall be executed by, and any such notice shall be given to the Lord High Chancellor, Lord Keeper or Lords Commissioners of the great seal, for the time being; and if such benefice shall be within the patronage of the Crown in right of the duchy of Lancaster, such instrument shall be executed by, and any such notice shall be given to the chancellor of the said duchy for the time being; and the execution of such instrument by, and any such notice given

How consent of patron to be testified, where patronage in the Crown.

to such person or persons, shall be deemed and taken for the purposes of this act, to be an execution by and a sufficient notice to the patron of the benefice.

How where
patron is
an incapa-
citated
person.

CXXVII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall, for the purposes of this act, be deemed and taken to be an execution by the patron of the benefice.

How
where
patronage
is attached
to the
duchy of
Cornwall.

CXXVIII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, or in which any notice shall be required by this act to be given to the patron of any benefice, and the advowson and right of patronage of such benefice shall be part of the possessions of the duchy of Cornwall, the consent of the patron of such benefice to the exercise of such power shall be testified, and such notice shall be given respectively in the manner herein-after mentioned; (that is to say,) the instrument by which the power shall be exercised shall be executed by, and any such notice shall be given to the duke of Cornwall for the time being, if of full age, but if such benefice shall be within the patronage of the Crown in right of the duchy of Cornwall, such instrument shall be executed by, and any such notice shall be given to the same person or persons, who is or are by this act authorised to testify the consent of the Crown to the exercise of any power given by this act, in respect of any benefice in the patronage of the Crown; and the execution of such instrument by, and any such notice given to such person or persons shall be deemed and taken for the purposes of this act to be an execution by, and a sufficient notice to the patron of the benefice.

Distance
how to be
computed.

CXXIX. And be it enacted, that the distance between any two benefices for the purposes of this act shall be computed from the church of the one to the church of the other

by the nearest road or footpath, or by an accustomed ferry; and if on one of the said benefices there be two or more churches, then the distance shall be computed from or to the nearest of such churches, as the case may be; or if on one of such benefices there be no church, then in such manner as shall be directed by the bishop of the diocese in which the benefice proposed to be taken and held by any spiritual person in addition to one already held by him, shall be locally situate.

CXXX. And be it enacted, that whenever the population of any place shall be required by this act to be ascertained, the same shall be taken from the latest returns of population made under any act of parliament for that purpose at the time when the question shall arise, if such returns shall apply to the place respecting which the question shall be, but if such place shall only form part of a parish or district named in such returns, then such returns shall be taken to represent truly the population of the parish or district named therein, and from them the population of the place required shall be computed, according to the best evidence of which the subject shall be capable.

Population
how to be
computed.

CXXXI. And be it enacted, that the archbishop of Canterbury, the Lord High Chancellor, and the archbishop of York, with the assistance of the vicars general of the said two archbishops, and of one of the masters of the high court of chancery, to be selected for that purpose by the Lord High Chancellor, shall ordain and establish tables of fees, and shall have power from time to time to amend or alter such tables of fees, to be taken in respect of donation, presentation, nomination, collation, institution, installation, induction, or licence, or any instrument, matter, or thing connected with the admission of any spiritual person to any cathedral preferment or any benefice throughout England and Wales, by any officer, secretary, clerk, or minister to whom belong the duties of preparing, sealing, transacting, or doing any of such instruments, matters, and things; and before the fees contained in such tables or such amended tables shall be demanded, taken, or received by any of the said persons such tables or amended tables shall be submitted to her Majesty's privy council, who may disallow the same

Tables of
fees to be
taken by
officers
with re-
spect to
admissions
to benef-
ices, by
whom to be
established.

or any part thereof; and notice shall be given in the London Gazette of such submission to the privy council; and if within the space of three months from the time of giving such notice the same shall not be disallowed, such fees, or such parts thereof as shall not be disallowed, shall from and after the expiration of the said three months be deemed and taken to be lawful fees, and thenceforward such fees, and none others, save only such as may be altered or subsequently ordained, as before provided, shall be demanded, taken, or received by any of such officers, secretaries, clerks, or ministers respectively, under any colour or pretence whatsoever: Provided always, that the said persons shall not ordain or establish any fees exceeding the fee which for the twenty years next preceding the passing of this act shall have been usually taken for or in respect of the same instrument, matter, or thing in case of admission to any cathedral preferment or any benefice within the diocese of London: Provided also, that the said persons shall have power to ordain graduated scales of fees in respect of benefices below the yearly value of five hundred pounds.

Act not to affect powers of bishops.

CXXXII. And be it enacted, that nothing in this act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any powers, authorities, rights, or jurisdiction already vested in or belonging to any archbishop or bishop under or by virtue of any statute, canon, usage, or otherwise howsoever.

Act not to extend to Ireland.

CXXXIII. And be it enacted, that no provision in this act contained, shall extend or be construed to extend to that part of the United Kingdom called Ireland.

The FIRST SCHEDULE referred to in the foregoing Act.

QUESTIONS to be annually transmitted by each bishop to every spiritual person holding any benefice within his diocese or jurisdiction.

1. What is the name of your benefice?
2. In what county?

3. Name of incumbent, and date of admission ?
4. Is there a glebe house belonging to your benefice ?
5. Were you resident in the glebe house, or, there being no glebe house, or none fit for your residence, were you resident in any and what house appointed by the bishop in his licence, during the last year, for the term prescribed by law ?
6. Being non-resident, were you performing the duties of your parish for the said time ? If so, state where you resided, and at what distance from the church or chapel ?
7. Were you in the last year serving any other church or chapel in the neighbourhood as incumbent ? If so, state the name thereof, and the distance from the above-named church or chapel ; and when and for how long you served the same ?
8. Were you serving any other church or chapel in the neighbourhood as curate ? If so, state the name thereof, and the distance from your own church or chapel ; and when and for how long you served the same ?
9. What are the services in your church ? Is a sermon or lecture given at every or which of such services ?
10. Were these services duly performed last year ? If not, for what reason ?
11. What are the services in your chapel or chapels, if any ? Is a sermon or lecture given at every or which of such services ?
12. Were these services duly performed last year ? If not, for what reason ?
13. Have you any assistant curate or curates ? If so, state his or their names ; also whether he or they is or are licensed, and the amount of his or their stipend or respective stipends ?
14. If you were non-resident, were you so by licence ?
15. If non-resident by licence, state the ground of licence, and the time when it will expire ?
16. If non-resident without licence, were you so by exemption ?

17. If non-resident by exemption, state the ground of exemption, and whether such exemption was claimed for the whole year, or during what part thereof?
18. If you were non-resident, and did not perform the duties of your benefice, what ecclesiastical duties, if any, were you performing, and where do you now reside?

OBSERVE, — The foregoing questions are to be answered by every incumbent, whether resident or not.

FURTHER QUESTIONS to be answered, in addition to the foregoing, in case the Incumbent be non-resident.

19. What is the name of your curate?
20. Does he reside in the glebe house?
21. Does he pay any and what rent or consideration for the use of the glebe house; or is any deduction made on account thereof from the stipend assigned to him in his licence?
22. If not resident in the glebe house, does he reside in the parish?
23. If not resident in the parish, where does he reside, and at what distance from your church or chapel?
24. Does he serve any other church or chapel as incumbent?
If so, state the name thereof, and the distance from your own church or chapel?
25. Does he serve any other church or chapel as curate?
If so, state the name thereof, and the distance from your own church or chapel?
26. Is he licensed?
27. What is his salary from you?
28. Has he from you any other allowances or emoluments?
State what, and the average value thereof respectively?
29. What is the gross and what is the net annual value of your benefice?

N.B. — All the questions have reference to the year immediately preceding that in which they are transmitted.

The SECOND SCHEDULE referred to in the foregoing Act.

FORM of the MORTGAGE.

THIS indenture, made the —— day of ——, in the year of our Lord ——, between the Right Reverend Father in God ——, Lord Bishop of ——, of the one part, and ——, of the other part: Whereas the said bishop, pursuant to the directions of an act passed in the second year of the reign of her Majesty Queen Victoria, intituled ‘An act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy,’ hath determined to levy and raise the sum of —— pounds, to be laid out and expended in building, rebuilding, or repairing [*as the case shall be*] the parsonage house, and other necessary offices upon the glebe belonging to the rectory, vicarage, &c. of ——, [*describing it*], [*or, in purchasing a house and land for the residence and occupation of the incumbent of the rectory, &c.*]: And whereas the said —— hath agreed to lend and advance the sum of —— pounds, upon a mortgage of the glebe, tithes, rent-charges, rents, and other profits and emoluments of the said benefice, pursuant to the directions and the true intent and meaning of the said act. Now this indenture witnesseth, that the said bishop, in consideration of the sum of —— pounds, paid at or before the sealing and delivery hereof into the hands of ——, (a person or persons [*as the case shall be*] nominated by the said bishop to receive the same, pursuant to the directions of the said act (which nomination is hereunto annexed), and which receipt of the said sum of —— pounds the said —— have *or* hath acknowledged by an endorsement on this deed), hath granted, bargained, sold, and demised, and by these presents doth grant, bargain, sell, and demise, unto the said ——, his executors, administrators, and assigns, all the glebe lands, tithes, rent-charges, rents, moduses, compositions for tithe, salaries, stipends, fees, gratuities, and other profits and emoluments whatsoever, arising, coming, growing, renewing, or payable to the incumbent of the said benefice in respect thereof, with all and every the rights, members, and appurtenances

thereunto belonging; to have, hold, receive, take, and enjoy the said premises and their appurtenances unto the said ———, his executors, administrators, and assigns, from henceforth for the term of thirty-five years, fully to be complete and ended: Provided always, that if the incumbent for the time being of the said benefice and his successors shall, from and after the expiration of the first year of the said term, yearly and every year (such year to be computed from the date hereof,) pay to the said ———, his executors, administrators, and assigns, one thirtieth part of the sum of ——— pounds, until the whole thereof shall be repaid, and at the end of the first and each succeeding year pay interest at the rate of ——— per cent. per annum on the said sum of ——— pounds, or so much thereof as shall from time to time remain unpaid, according to the true intent and meaning of the said act and of these presents, and also all costs and charges which shall be occasioned by the non-payment thereof, these presents and every thing herein contained shall be void: Provided also, that it shall be lawful for the incumbent for the time being of the said benefice, and his successors, peaceably and quietly to hold and enjoy the said glebe lands, tithes, rent-charges, rents, moduses, compositions for tithes, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising or to arise from or in respect of the said benefice, until default shall be made by him or them respectively in the payment of the interest and principal, or some part thereof, at the times and in the manner aforesaid. In witness, &c.

APPOINTMENT of the NOMINEE (to be written on Parchment.)

I, the Right Reverend Father in God ———, Lord Bishop of ———, do hereby nominate and appoint ———, of ———, to receive the money authorised to be raised by an act passed in the second year of the reign of her Majesty Queen Victoria, intituled ‘An act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy,’ for the purpose of building, rebuilding, repairing, or purchasing the parsonage house, &c. [*as the case may be*] to the rectory, vicarage, &c. of ———, belonging, and to pay and apply the same, and to enter into

contracts with proper persons for such buildings or repairs, and to inspect and to take care of the execution of such contracts, and to take such receipts and vouchers, keep such accounts, and do and perform all such other matters and things which nominees are authorised and required to do and perform in and by the said act, the said —— having given security for the due application thereof, according to the directions of the said act. Given under my hand this —— day of ——.

FORM of the DEED of PURCHASE of Buildings or Lands to be annexed to the Benefice.

THIS indenture, made the —— day of ——, in the year of our Lord ——, between A. B. of ——, of the one part, the Right Reverend Father in God ——, Lord Bishop of ——, and E. F. of ——, patron of the rectory, &c. of ——, of the other part: Whereas there is no fit parsonage house belonging to the said rectory, &c.: And whereas a contract hath been made, by the direction of the said bishop, with the said A. B., for the absolute purchase of the house, buildings, and lands herein-after described, for the price or sum of ——, pounds, pursuant to the directions of an act passed in the second year of the reign of her Majesty Queen Victoria, intituled ‘An act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy.’ Now this indenture witnesseth, that the said A. B., in consideration of the sum of —— pounds to him in hand paid for the purchase aforesaid, the receipt of which sum the said A. B. hath admitted by an endorsement on the back of this deed, hath granted, bargained, and sold, and by these presents doth grant, bargain, and sell, unto the said E. F. and his heirs, all, &c. [*here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges, and appurtenances*], to hold unto the said E. F. and his heirs or successors [*as the case may be*] in trust for the sole use and benefit of the incumbent of the said benefice and his successors, rectors, vicars, &c. [*as the case may be*] of the said benefice for the time being, for ever. [*Usual covenants for title to be added.*] In witness, &c.

AN
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TO THE

ACT TO ABRIDGE THE HOLDING OF BENEFICES
IN PLURALITY,

AND

TO MAKE BETTER PROVISION FOR
THE RESIDENCE OF THE CLERGY,

1 & 2 Vict. c. 106.

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Rights of persons saved, to or in trust for whom, an advowson or next presentation may have been conveyed or devised previous to act, - - -	13 <i>ib.</i>
May be united with another benefice, or with more than one, under certain restrictions, - - -	16 cvi.
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May be united with sinecure rectories and vicarages, under certain restrictions, - - -	<i>ib.</i> <i>ib.</i>
May be disunited from another with which it is united, - - -	21 cxi.
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A tithing hamlet, &c., may be severed from the parish to which it belongs, and be annexed to a contiguous parish, or to any other tithing or hamlet, &c., so as to form a separate parish or benefice; or an extra-parochial place may be annexed to a contiguous parish, or be constituted a separate parish for ecclesiastical purposes, - - -	26 cxiv.
If under sequestration for non-residence for a whole year, to be void, - - -	58 cxxxiv.
If twice sequestered within 2 years, to be void, - - -	<i>ib.</i> <i>ib.</i>
Unless sequestration removed on appeal, - - -	<i>ib.</i> <i>ib.</i>
Patron may thereupon present, - - -	<i>ib.</i> <i>ib.</i>
Notice to be given to patron, - - -	<i>ib.</i> <i>ib.</i>
Lapse of, in such a case, - - -	<i>ib.</i> <i>ib.</i>
May, on or at any time after avoidance, be mortgaged by bishop to the extent of 4 years' income for providing fit house of residence, - - -	{ 62 cxxxvi. <i>et seq.</i> <i>et seq.</i>

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In which case he is to report circumstance to the bishop,	<i>ib.</i>	<i>ib.</i>
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But such order may be appealed against, - - -	<i>ib.</i>	<i>ib.</i>
To be supplied with a particular statement by a person seeking a dispensation, - - - - -	7	ci.
May make inquiry as to the correctness of statement,	<i>ib.</i>	<i>ib.</i>
To transmit to the Archbishop of Canterbury a certificate of value, population, and distance, with copy of statement annexed, - - - - -	<i>ib.</i>	<i>ib.</i>
Written permission if necessary, to enable an incumbent to take to farm more than 80 acres, - - - - -	28	cxvi.
As to grant by, of licence for non-residence — See title, <i>Licence for Non-residence.</i>		
To issue annually to every incumbent the questions contained in 1st schedule - - - - -	52	cxxx.
To make returns annually to Queen in council, - - -	53	<i>ib.</i>
To transmit reasons for remitting a penalty for non-residence, exceeding one third part of the yearly value of any benefice, to the archbishop of the province, -	57	cxxxiii.
The archbishop, as to his own diocese, to transmit reasons to the Queen in council, - - -	<i>ib.</i>	<i>ib.</i>
To give notice to the patron of a living becoming void under the act, - - - - -	58	cxxxiv.
Mode of giving such notice, - - - - -	<i>ib.</i>	<i>ib.</i>
May appoint curate in certain cases — See titles, <i>Curate</i> — <i>Licence to Curate.</i>		
May enforce two full services on every Sunday in any benefice in his diocese, whatever the value or population, - - - - -	80	cxlvii.
And also, in certain cases, in each church or chapel of a parish, - - - - -	<i>ib.</i>	<i>ib.</i>
His power, under the Church Building Acts, of directing the performance of a third service, not affected by this act, - - - - -	<i>ib.</i>	<i>ib.</i>

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To appoint to curate of non-resident incumbent the stipend specified by the act, - - - -	83	cxlviii.
May determine difference between incumbent and curate touching stipend, without appeal, - -	<i>ib.</i>	<i>ib.</i>
And may enforce payment of stipend, and arrears, by monition and sequestration, - - - -	<i>ib.</i>	<i>ib.</i>
Not to assign to curates of incumbents before 20th July 1813, larger salary than 75 <i>l.</i> and house, or 15 <i>l.</i> in lieu, See also title, <i>Stipend to Curate.</i>	84	<i>ib.</i>
May require two curates, where population exceeds 2000,	86	cxlix.
May appoint such curates, if not appointed according to requisition, - - - -	<i>ib.</i>	<i>ib.</i>
And may assign stipend, subject to appeal, - -	<i>ib.</i>	<i>ib.</i>
May in certain cases assign less stipend than specified in act, with consent of the archbishop of the province,	87	cl.
May enforce, by monition and sequestration, payment to curate or his representatives of unpaid portion of his stipend, - - - -	90	clii.
Time within which, in case of relinquishment or death of curate, application to the bishop for this purpose must be made, - - - -	<i>ib.</i>	<i>ib.</i>
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May assign to curate of non-resident incumbent the house of residence free of rent; and glebe to the extent of 4 acres, at a rent to be fixed, - -	93	cliii.
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May order, when house of residence occupied by curate, that the incumbent shall pay to curate sums paid by him for taxes, rates, &c. - - - -	94	<i>ib.</i>
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His consent to dismissal of curate necessary, - -	95	cliv.
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To appoint curate to benefice under sequestration, if incumbent shall not perform the duties of the benefice himself,	99	clvi.
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Is to reside in the parish in every case where incumbent does not reside for 4 months in the year, - - -	76	cxliv.
Or if convenient residence cannot be procured in the parish, then within 3 miles of the church, - - -	<i>ib.</i>	<i>ib.</i>
Except in cases of necessity to be approved of by bishop, and specified in the licence, - - - - -	<i>ib.</i>	<i>ib.</i>
The place of residence to be also specified therein, -	<i>ib.</i>	<i>ib.</i>
May be appointed by the bishop where the duties of a benefice are inadequately performed, subject to appeal, Bishop previously to issue commission of inquiry to 4 beneficed clergymen, Incumbent may add a commissioner, If commissioners report duty to be inadequately performed, bishop may require incumbent to nominate curate or curates, If he neglect to nominate for 3 months, bishop may appoint, and license curate or curates, with proper stipends, Copy of requisition and evidence to found same, to be filed in the registry of his court,	77	cxlv.
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Such notice to be given within 6 months of new in- cumbent's admission, - - - - -	<i>ib.</i>	<i>ib.</i>
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On refusal of, by archbishop, the Queen in council may, upon application, enjoin him to grant dispensation, or show cause, - - - - -	<i>ib.</i>	<i>ib.</i>
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Patron's consent necessary, - - - -	<i>ib.</i>	<i>ib.</i>
Archbishop, if on inquiry satisfied with scheme, to report same, or a modification thereof, to the Queen in council, - - - -	<i>ib.</i>	<i>ib.</i>
Queen in council may order scheme to be carried into effect, - - - -	<i>ib.</i>	<i>ib.</i>
Order to be registered in registry of diocese, - -	<i>ib.</i>	<i>ib.</i>
And to be binding upon incumbent if he shall have consented, - - - -	<i>ib.</i>	<i>ib.</i>

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Bishop to sequester during suspension of incumbent,	31	cxviii.
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Bishop may sequester, on non-compliance with order to reside, - - - - -	54	cxxx.
Application of profits, - - - - -	<i>ib.</i>	<i>ib.</i>
1. To pay for serving the cure.		
2. In payment of penalties and expenses.		
3. In repairs of chancel and house of residence, and buildings, and glebe.		
4. Towards satisfaction of a sequestration (if any) at the suit of creditors.		
5. In the augmentation or improvement of the living, or the house and buildings and lands; or to be paid to Queen Anne's Bounty for the purposes of the Bounty.		
Bishop may remit to incumbent any portion of profits,	<i>ib.</i>	<i>ib.</i>
Appeal to the archbishop of the province against sequestration, - - - - -	<i>ib.</i>	<i>ib.</i>
Who may make order in the matter, - - - - -	<i>ib.</i>	<i>ib.</i>
To be in force during appeal, - - - - -	<i>ib.</i>	<i>ib.</i>
May be issued without a new monition, under certain circumstances, - - - - -	56	cxxxiii.
Appeal to archbishop of the province, - - - - -	<i>ib.</i>	<i>ib.</i>
Bishop may sequester for unpaid portion of curate's stipend, - - - - -	90	clii.
Bishop may enforce delivery of possession of premises assigned to curate of non-resident incumbent by sequestration, - - - - -	93	cliii.
Application of profits, - - - - -	<i>ib.</i>	<i>ib.</i>
Where living under sequestration, bishop to appoint curate, unless incumbent does the duty himself, -	99	clvi.
And assign stipend, - - - - -	<i>ib.</i>	<i>ib.</i>
Stipend to be paid by sequestrator, - - - - -	100	<i>ib.</i>
Payment by succeeding incumbent, of stipend due to curate during vacancy, may be enforced by, -	101	<i>ib.</i>

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Sequestrations under this act to have priority over all others, - - - - -	110	clx.
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And those under the act 17 Geo. 3. c. 53.		
To issue, on expiration of time limited by monition, from Bishop's Consistory Court, - - - - -	112	clxi.
Service, &c., - - - - -	<i>ib.</i>	<i>ib.</i>
Not to issue, for non-residence, until after service of order to reside, - - - - -	113	clxii.
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For remitting penalties, to be transmitted by an archbishop, as to his own diocese, to Queen in council, -	57	cxxxiii.
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Payment of, may be enforced by bishop, by monition and sequestration, - - -	<i>ib.</i>	<i>ib.</i>
Bishop not to appoint larger stipend than 75 <i>l.</i> where incumbent was admitted prior to 20th July, 1813, together with use of house, or 15 <i>l.</i> in lieu, -	84	<i>ib.</i>
Scale of stipends to be appointed by the bishop where incumbent is non-resident, - -	85	cxlix.
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Nor less than 100 <i>l.</i> , where population 300.		
— 120 <i>l.</i> , — 500.		
— 135 <i>l.</i> , — 750.		
— 150 <i>l.</i> , — 1000.		
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Where non-residence is occasioned by age, sickness, &c., bishop may assign a less stipend than specified by act, - - - -	87	cli.
Consent of archbishop necessary in such case, -	<i>ib.</i>	<i>ib.</i>
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Spiritual person may not engage in trade, - - -	29	cxvi.
Unless in partnership with more than 6 persons, -	<i>ib.</i>	<i>ib.</i>
Or unless trade shall devolve upon him in course of law, - - - - -	<i>ib.</i>	<i>ib.</i>
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Aggregate yearly value not to exceed 500 <i>l.</i>	-	<i>ib.</i>
Patron's consent in writing necessary,	-	<i>ib.</i>
Archbishop of the province, upon receiving the representation of the bishop of the diocese, to inquire into the circumstances of the case,	-	<i>ib.</i>
And if satisfied on inquiry, to cause the representation, with notice, to be affixed to church door 6 weeks previous to the archbishop's certifying inquiry and consent to the Queen,	-	<i>ib.</i>
Any person may, within that period, show cause against the union,	-	<i>ib.</i>
If no cause shown, archbishop to certify inquiry and consent of patron, to Queen in council,	-	<i>ib.</i>
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THE END.

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